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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 4, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:16 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were: Chief Building Inspector Bob Kelley for the Department of Public Works; Lawrence Wilson, Esq. for the Police Department; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

REQUEST FOR REHEARING

APPEAL NO. 83-267

JUSTIN ANDREW MARTINDALE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 23, 1983, of permit to alter a building at 521 Central Avenue. APPLICATION NO. 8309484. On December 14, 1983, upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department with stipulations.

After discussion, President Giraudo, Vice President Jackson and Commissioner Berg voted yes, and Commissioners Engmann and Guggenhime voted no. Four votes being needed for rehearing approval, the rehearing was denied.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR:

APPEAL NO. 83-272

JOHN W. SMITH, dba "YE ROSE AND THISTLE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 1, 1983, of permit for dance hall keeper and place of entertainment at 1624 California Street.

Doris Levine, the Official Court Reporter, swore in all witnesses who were to testify during the course of the evening.

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Lawrence Wilson, Esq. represented the Police Department. Mr. Sergei Shkurkin spoke on behalf of neighbors in support of the Department. Mr. Christopher Hall, attorney for the permit holder, introduced a group of neighbors who were present to support the appeal of the permit holder, Mr. John Smith, who also spoke. After discussion, upon motion of President Giraudo, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 83-274

JOHN C. WALKER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
ZONING ADMINISTRATOR DISAPPROVAL

Appealing the determination of the Zoning Administrator on December 5, 1983, disapproving building permit application for new construction at 2980 Broadway. APPLICATION NO. 8307646.

Mr. Sidney Shaw represented the Department of City Planning. Mr. John C. Walker spoke on his own behalf. Ms. Ann Fogelberg, representing the Cow Hollow Neighborhood Association, spoke in support of the appellant. Mr. Rupert Grimm, also representing neighbors, spoke in support of the appellant. Upon motion of Commissioner Engmann, the Board voted 4-1 to overrule the Department with the stipulation that the owners and Mr. Walker, the owner's architect, will obtain City permission prior to removing any trees on the property line and will consult with both the City and the Cow Hollow Neighborhood Association and any interested neighbors in a replacement landscaping plan for Lyon Street. Vice President Jackson cast the dissenting vote.

APPEAL NO. 83-268

COONG TAC COOC, Appellant vs. ZONING ADMINISTRATOR, Respondent

Appealing the determination of the Zoning Administrator on November 21, 1983, disapproving building permit application for work at 281 Turk Street. APPLICATION NO. 8305616.

Commissioner Berg reported on the site inspection made by himself, President Giraudo and Commissioner Guggenhime. Ms. Nancy Gin represented the Department of City Planning. Philip Siggins, Esq. spoke on behalf of the appellant. Upon motion of Commissioner Berg, the Board voted 5-0 to uphold the Department and deny the permit with the stipulation that the business has six months from the date of the hearing, January 4, 1984, to cease operating.

APPEAL NO. 83-273

WILLIAM Y. YU, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 2, 1983, to Del L. Tycer, permit to alter a building at 1552/1556F Green Street. APPLICATION NO. 8308661.

This matter was first heard on December 21, 1983. The Board had asked for further information from the permit holder. Executive Director Claire Pilcher advised the Board that the permit holder, Mr. Ted Aksnes, had advised Mr. Don Lim that he wished to withdraw his application for a building permit. Upon motion of President Giraudo, the Board voted 4-0 to overrule the Department and deny the permit.

APPEAL NO. 83-275

GERMAIN GSCHWIND, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 16, 1983, of permit to alter a building at 316/18 Noriega Street. APPLICATION NO. 8312361

Mr. Bob Kelley represented the Department of Public Works. Mr. Gschwind stated that the wooden shingles on his house were decorative and comprised only a small percentage of the shingled area. Upon motion of Commissioner Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 83-276

FRED SCHOTT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on December 14, 1984, to Robert Hansten permit to erect a building at 57 Ord Court. APPLICATION NO. 8311562.

Mr. Sidney Shaw represented the Department of City Planning. Mr. Schott spoke on his own behalf. He expressed his concern and that of other neighbors over the building project on the permit holder's property. Neighbors Mrs. Leonore Bravo and Mr. John McCann also spoke in support of the appellant. The property owner, Mr. Hansten, responded to questions of the Board. Case continued to January 11, 1984, to allow for inspection of the property by Mr. Sidney Shaw of the Department of City Planning.

APPEAL NO. 83-277

STANLEY R. LARSEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on December 21, 1983, of permit to alter a building at 2127 Broadway. APPLICATION NO. 8309592.

Mr. Bob Kelley represented the Department of Public Works. The appellant presented his own case. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and grant the permit.

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 11, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:23 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were Mr. Don Lim representing the Bureau of Building Inspection; Mr. Sidney Shaw representing the Department of City Planning; Lawrence Wilson, Esq. and Officers West and Suslow representing the Police Department; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Requests that the Board take Jurisdiction Beyond the Ten Day Period

YOSSEDEK M. DESTA - Denial of taxicab permit. There being no motion, the appeal will not be heard.

CHONG SUN WALDEN - Revocation of masseuse and outcall massage service permit. Upon motion of President Giraudo, the Board voted 5-0 to accept jurisdiction.

THE FOLLOWING MATTERS WERE FROM THE REGULAR CALENDAR

APPEAL NO. 83-276

FRED SCHOTT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on December 14, 1983, to Robert Hansten, permit to alter a building at 57 Ord Court. APPLICATION NO. 8311562.

Mr. Sidney Shaw, representing the Department of City Planning, reported on an inspection that he had made of the property. His presentation, supported by pictures, noted that the present construction was in excess of the original structure. He stated that, in fact, a new building was being erected rather than rebuilding the former structure that was presumedly destroyed by fire. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and deny the permit.

APPEAL NO. 84-001

ED BARBIERI, dba "NEW MISSION IRON WORKS," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on December 30, 1983, for work done at 677 Ellis Street. APPLICATION NO. 8307386.

Mr. Don Lim represented the Department of Public Works. Ms. Ruth Astler spoke on behalf of the appellant, and stated that a series of unfortunate circumstances had resulted in the work being done without benefit of permit. She questioned the severity of the fine. Upon motion of President Giraudo, the Board voted 5-0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total due the Department of $91.80.

APPEAL NO. 83-102

CLEMENT STREET WEST MERCHANTS ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on April 22, 1983, to Ocean Chinese Corporation/Tony Fong, permit to alter a building at 1934 Clement Street. APPLICATION NO. 8109463.

This motion was before the Board upon Remand from Superior Court. There was no one present to speak for the permit holder. After discussion, the Board voted unanimously upon motion of President Giraudo to overrule the Department and deny the permit.

APPEAL NO. 83-270

S.M. SAROYAN, Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on December 1, 1983, to Richard V. Lee, dba "Lulu's Oriental Bath House," permit for massage establishment at 473 Pine Street.

The Court Reporter then swore in all witnesses who were to testify.

Lawrence Wilson, Esq., and Officer Ray West represented the Police Department. Steven Weinkauf, Esq., represented the appellant. Mr. Saroyan spoke on his own behalf as did Mr. Lee, the permit holder. Mr. Wilson characterized the problem as being one between a landlord and tenant, i.e. a civil matter, rather than a faulty permit decision. Upon motion of President Giraudo, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 83-278

MOON Y. HOM, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 27, 1983, of permit to operate a taxicab.

Lawrence Wilson, Esq., and Officer Suslow represented the Police Department. Mr. Hom spoke on his own behalf. He questioned the fairness of the taxi permit process. Upon motion of President Giraudo, the Board voted 3-2 to uphold the Department and deny the permit. Vice President Jackson and Commissioner Guggenhime dissented.

APPEAL NO. 84-002

JACK POON, dba "BRITISH BILLIARD CENTER," Appellant vs. POLICE DEPARTMENT, Respondent

Commissioner Guggenhime disqualified himself from this matter due to a conflict of interest.

Denial on December 23, 1983, of permit for billiard parlor at 1045 Polk Street.

Lawrence Wilson, Esq., represented the Police Department. He stated that there were already serious police problems in the neighborhood and that granting this permit would exacerbate these problems. Mr. Dennis Kirtley, President of the Polk Street Merchant's Association, and Mr. James Ferrigan, operator of a neighboring business, spoke in support of the Department. Richard De Jaurequi, Esq., represented the appellant. Upon motion of Commissioner Berg, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 83-263

HOWARD A. COHN, Appellant vs. ZONING ADMINISTRATOR, Respondent (POLICE DEPARTMENT)

Order to cease violation of the Planning Code for property at 53 Turk Street.

Attorneys for the appellant, Gary Orton, Esq., and Michael Null, Esq., had advised the Executive Director that they were withdrawing from the case and requested a continuance to allow the appellant to secure other legal counsel. The case was continued to February 1, 1984.

APPEAL NO. 84-003

RICHARD N. AND JEAN T. RAPOPORT AND BARRY YOUNG, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on December 29, 1983, to Charles M. Sprincin, permit to erect a structure at 2256 Hyde Street. APPLICATION NO. 8310158.

All interested parties agreed to a continuance. The case was continued to February 1, 1984.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 8:00 p.m.

DATE: January 11, 1984

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JANUARY 18, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Giraudo at 5:20 p.m.

Present were: President Louis J. Giraudo
Vice President Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Richard J. Guggenhime
Commissioner Jerry E. Berg

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

The first order of business was the election of officers. Vice President Jackson nominated Commissioner Guggenhime for president, Commissioner Berg seconded the nomination, and the vote was unanimous. President Giraudo then nominated Commissioner Berg for vice president, which was seconded by Commissioner Guggenhime, and passed unanimously by the Board.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for Rehearing:

APPEAL NO. 83-272

JOHN W. SMITH, dba "YE ROSE AND THISTLE," Appellant vs. POLICE DEPARTMENT, Respondent
ZONING ADMINISTRATOR DISAPPROVAL

Denial on December 1, 1983, of permit for dance hall keeper and place of entertainment at 1624 California Street. Upon motion of President Giraudo, the Board had voted 5-0 to uphold the Department and deny the permit.

Upon motion of Commissioner Engmann, the Board voted 5-0 to rehear the appeal.

APPEAL NO. 83-268

COONG TAC COOC, Appellant vs. ZONING ADMINISTRATOR, Respondent

Appealing the determination of the Zoning Administrator on November 21, 1983, disapproving building permit application for work at 281 Turk Street. On motion of Commissioner Berg, the Board had voted 5-0 on January 4, 1984, to uphold the Department and deny the permit.

There being no motion, the case will not be reheard.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. 84-004

ANITA McCOY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on January 6, 1984, for work done at 3216 Mission Street. PLUMBING CHARGE NOTICE NO. 24731.

Mr. Don Lim appeared for the Department of Public Works. The appellant did not appear. Upon motion of President Giraudo, the Board voted 5-0 to uphold the Department.

APPEAL NO. 84-005

APOSTOLIC TEMPLE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on January 3, 1984, of permit to erect a structure at 3459 Seventeenth Street. APPLICATION NO. 8312838.

Mr. Sidney Shaw represented the Department of City Planning. Mr. John Giorgi spoke for the appellant. At issue is the status of the sign in front of the building at the above address. City code does not allow for the installation of new projecting signs. The appellant wishes to replace the existing projecting sign. Upon motion of President Giraudo, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 84-006

CHONG SUN WALDEN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on December 21,1983, of permit for masseuse and outcall massage service.

Lawrence Wilson, Esq., represented the Police Department. Mr. George Coles, Jr., spoke on behalf of the appellant, who maintained that her masseuse permit was lost and not given to any other person to use. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit, with the stipulation that the outcall massage permit be suspended until April 15, 1984.

APPEAL NO. 83-280

CARA E. CAMERON, dba "STUDIO WEST," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 23, 1983, of permit for cabaret, dance hall keeper, and place of entertainment at 100 Vallejo Street.

Ms. Doris Levine, the Official Hearing Reporter, swore in those who were to give testimony in this case.

Lawrence Wilson, Esq., represented the Police Department. A number of Police Officers testified for the Department. Mr. Robert Dewey, a neighbor of the above address, spoke in support of the Department. Christopher Hays, Esq., represented the appellant, Ms. Cara Cameron, who spoke on her own behalf. Numerous other witnesses were called by the appellant to support the appeal. Upon motion of President Giraudo, the Board voted 5-0 to uphold the Department and deny the permit.

There being no further business to come before the Board, President Giraudo adjourned the meeting at 8:36 p.m.

Date: January 18, 1984

Louis J. Giraudo, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 1, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:25 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Also present were: Lawrence Wilson, Esq., representing the Police Department; Judith Boyajian, Esq., for the office of the City Attorney; Mr. Robert Passmore for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

Commissioner Jackson arrived at 5:37 p.m.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Request that the Board take jurisdiction beyond the ten-day period

KINRY & MARIA JAVIER LOUIE - Denial on January 13, 1984, of permit to operate a bakery, retail and coffee making for take out only, at 2760 Octavia Street. Appellants state they were not notified that the grace period to appeal the Department's decision was ten days after the date of denial. There being no motion, the case will not be heard.

Requests for Rehearing

APPEAL NO. 84-004

ANITA McCOY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on January 6, 1984, for work done at 3216 Mission Street. Appellant was absent from the scheduled hearing on January 18, 1984, and the Board voted unanimously to uphold the Department. Appellant stated that she speaks very little English and did not understand that she was to have appeared on January 18, 1984, and requested a rehearing. Upon motion of Commissioner Giraudo, the Board voted 4-0 to rehear the appeal. Commissioner Jackson was absent.

THE NEXT MATTERS TO BE HEARD WERE TAKEN OUT OF ORDER FROM THE REGULAR CALENDAR

APPEAL NO. 83-272

JOHN W. SMITH, dba "YE ROSE & THISTLE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 1, 1983, of permit for dance hall keeper and place of entertainment at 1624 California Street.

Mr. Robert Passmore represented the Department of City Planning. Richard De Jauregui, Esq., appeared on behalf of the appellant and advised the Board that they wished to withdraw their appeal.

APPEAL NO. 83-263

HOWARD A. COHN, Appellant vs. ZONING ADMINISTRATOR, Respondent (POLICE DEPARTMENT)

Order to cease violation of the Planning Code dated September 14, 1983, for property at 53 Turk Street (adult entertainment enterprise) to Howard A. and Jeanne Cohn.

Lawrence Wilson, Esq., appeared for the Police Department. Mr. Robert Passmore, representing the Department of City Planning, stated that the Department had issued an erroneous Cease and Desist Order. Richard De Jauregui, Esq., appeared on behalf of the appellant. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department. Commissioner Jackson was absent at the time of the vote.

APPEAL NO. 84-003

RICHARD N. & JEAN T. RAPOPORT & BARRY YOUNG, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

Protesting issuance on December 29, 1983, to Charles M. Sprincin, permit to erect a structure at 2256 Hyde Street. APPLICATION NO. 8310158.

Prior to the hearing of this appeal, Vice President Berg described a possible conflict of interest. Executive Director Pilcher advised the Board that prior City Attorney's opinions indicated, she believed, that no conflict exists.

Mr. Robert Passmore represented the Department of City Planning. Judith Boyajian, Esq., appeared for the office of the City Attorney. Richard Rapoport, Esq., spoke on his own behalf and was supported by Ms. Nancy Soper, a neighboring property owner. The permit holder, Mr. Charles Sprincin, introduced his architect, Mr. Elliot Redstone, who spoke in support of his position. Upon motion of Commissioner Engmann, the Board voted 4-1 to uphold the Department with the stipulation that the plan submitted for the permit be in general conformity with the plans submitted, dated May 23, 1980, and also June 18, 1980 (seven sheets) with respect to the roof top obstructions. Also, before the permit can be issued revisions will have to be approved by the Department of City Planning. Commissioner Jackson dissented in regard to the stipulation, and voted to uphold the Department.

THE NEXT MATTER WAS A REQUEST FOR REHEARING TAKEN OUT OF ORDER

APPEAL NO. 83-280

CARA E. CAMERON, dba "STUDIO WEST," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 23, 1983, of permit for cabaret, dance hall keeper, and place of entertainment at 100 Vallejo Street. On January 18, 1984, the Board voted 4-1 to uphold the Department, with Commissioner Jackson dissenting. The appellant is requesting a rehearing so that she might present to the Board a specific program that deals with the areas of concern expressed by the Commissioners at the January 18, 1984 hearing. Upon motion of Vice-President Berg, the Board voted 4-1 to rehear the appeal on February 22, 1984. Commissioner Giraudo cast the dissenting vote.

THE NEXT MATTER TO BE HEARD WAS FROM THE REGULAR CALENDAR

APPEAL NO. 84-008

BARBARA CERF BAER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 9, 1984, to Cost Plus, Inc., permit to erect a structure at 2552 Taylor Street. APPLICATION NO. 8310284.

Robert Passmore represented the Department of City Planning. Ms. Barbara Cerf Baer spoke on her own behalf. She holds that the present plans to erect a structure at the above address would contribute adversely to an already serious traffic and pollution problem in this area. She was supported in this position by Mr. Don White of the Golden Gate Transit Company, and Ms. Hope Halikias, President of the North Beach Tenant's Association. James Fowler, Esq., represented the permit holder. He was supported in his position by Mr. Pat Flanagan, President of the Fisherman's Wharf Association, Mr. J. Fehr, registered traffic engineer, Mr. Robert Marchand, Cost Plus store manager, and Mr. George Raad, architect. Upon motion of Commissioner Giraudo, the Board voted 4-1 to uphold the Department with the stipulation that there will be deliveries and removal of debris only between the hours of 11 a.m. and 2 p.m. Monday through Friday. There will be no deliveries or debris removal on Saturday or Sunday. All trucks must be off the premises and off all adjacent streets by 2 p.m. Commissioner Engmann dissented.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 8:22 p.m.

FEBRUARY 1, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, FEBRUARY 8, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:20 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann

Commissioner Louis J. Giraudo was absent.

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officer Matli representing the Police Department; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

The first matter to be heard by the Board from the regular calendar was:

APPEAL NO. 84-012

MICHAEL J. MASTRANGELO, dba "MASTRANGELO HAIR DESIGN," Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 1, 1984, for work done at 3499 Eighteenth Street. PLUMBING CHARGE NOTICE NO. 24737.

Mr. Don Lim represented the Department of Public Works. The appellant spoke on his own behalf. Upon motion of Vice President Berg, the Board voted 4-0 to overrule the Department and reduce the penalty to $52.50, plus the regular fee of $52.50, for a total of $105.00 due the Department.

APPEAL NO. 84-004

ANITA McCOY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on January 6, 1984, for work done at 3216 Mission Street. PLUMBING CHARGE NOTICE NO. 24731.

Mr. Don Lim expressed the Department's position, and Ms. McCoy responded to President Guggenhime's assessment of her case. Upon motion of President Guggenhime, the Board voted unanimously to overrule the Department and reduce the penalty to $39.50, plus the regular fee of $39. 50, for a total of $79.00 due the Department.

APPEAL NO. 84-009

ARAYA INTAWONG, dba "ANNIE"S BATH GARDEN," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation of January 16. 1984, of permit for massage establishment at 4828 Geary Boulevard.

Lawrence Wilson, Esq., and Officer Malti presented the case for the Police Department. Mr. George Powell, owner of the above premises, expressed his concern regarding the manner in which the massage parlor was being operated. Various neighbors supported the Department by their presence. Attorney Ricard de Jauregui represented the appellant and presented his case. He maintained that the revocation of the permit was too severe in relation to the nature of the offenses cited by the Police Department. He introduced the appellant and two of her employees who spoke in support of her appeal. Upon motion of President Guggenhime, the Board voted 3-1 to overrule the Department with the stipulation that the revocation of the permit be reduced to a suspension of 120 days. Commissioner Jackson voted to uphold the Department's revocation. As four votes are needed to overrule the Department, the Department was upheld and the permit revoked.

APPEAL NO. 84-007

WALTER T. AND PHYLLIS M. POSEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on January 5, 1984, to Byron Ling, permit to alter a building at 2091 Twenty-second Avenue. APPLICATION NO. 8306760.

Mr. Don Lim represented the Department of Public Works. Mr. Sidney Shaw of the Department of City Planning reported on a visit he had made to the property, revealing the addition of an illegal unit. Ms. Phyllis Posey and Mr. Charles O'Connor presented the appellant's case. The permit holder spoke in his own behalf and was supported in his position by the former owner of the property, Mr. David Lo. Upon motion of Commissioner Jackson, the Board voted 4-0 to overrule the Department and deny the permit.

APPEAL NO. 84-011

DAGMAR OLSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 14, 1984, to Agnese Udinotti and D. Papahadjopoulos, permit to alter a building at 1515 Willard Street. APPLICATION NO. 8302905.

Kenneth A. Natkin, Esq., represented Ms. Olson, Mr. Michael Mead, and other neighbors appeared in opposition to the proposed addition. Mr. Papahadjopoulos presented his case. After discussion, the Board scheduled a site inspection for 8:00 a.m., Wednesday, February 15, 1984. The case was continued to February 22, 1984.

APPEAL NO. 84-010

NATALIE DeJARLAIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 14, 1984, to Fred Stimpson, owner, permit to erect a structure at 1220 Jones Street. APPLICATION NO. 8304760S.

Mr. Sidney Shaw represented the Department of City Planning. Robert Stein, Esq., represented the permit holder, Mr. Fred Stimpson. Architect Gene Lam spoke in support of the Department. Both described extensive efforts to relocate the tenants. Ms. DeJarlais spoke on her own behalf. Upon motion of President Guggenhime, the Board voted 4-0 to concur with the Department.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 7:46 p.m.

SPECIAL MEETING OF THE BOARD OF PERMIT APPEALS

SITE INSPECTION

DAGMAR OLSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance of permit to alter a building at 1515 Willard Street.

On Wednesday, February 15, 1984, at 8:00 a.m., a site inspection was held at the subject property. President Guggenhime, Vice President Berg, Executive Director Pilcher, Mr. Sidney Shaw, the property owners, and several neighbors were present.

DATE: February 8, 1984

Robert J. Guggenhime

Richard J. Guggenhime, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 22, 1984
5:00 P.M., ROOM 282, CITY HALL

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The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:19 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Also present were: Mr. Don Lim for the Department of Public Works; Lawrence Wilson, Esq., representing the Police Department; Ms. Nancy Gin for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Requests that the Board take jurisdiction beyond the ten-day period:

MI DUONG: Order to cease violation of the Planning Code, Rex Sewing Company, 251 Hyde Street, San Francisco, CA 94103. Appellant states received notification of the violation too late to file appeal within 10-day period. Upon motion of Vice President Berg, the Board unanimously voted to accept jurisdiction beyond the ten-day period.

Requests for Rehearing:

APPEAL NO. 84-003

(a) RICHARD N. AND JEAN T. RAPOPORT AND BARRY YOUNG, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 29, 1984, to Charles M. Sprincin, permit to erect a structure at 2256 Hyde Street. APPLICATION NO. 8310158.

Case first heard February 1, 1984. At that time, the Board voted 4-1 to uphold the Department with stipulations.

Upon motion of Commissioner Engmann, the Board voted 5-0 to rehear the appeal.

APPEAL NO. 84-008

(b) BARBARA CERF BAER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 9, 1984, to Cost Plus, Inc., permit to erect a structure at 2552 Taylor Street. APPLICATION NO. 8310284.

Requests for rehearing continued:

APPEAL NO. 84-008 (Continued)

Appeal heard February 1, 1984. At that hearing, the Board voted 4-1, with Commissioner Engmann dissenting, to uphold the Department with stipulations.

Upon motion of President Guggenhime, the Board voted 5-0 to rehear the appeal.

APPEAL NO. 84-009

(c) ARAYA INTAWONG, dba "ANNIE'S BATH GARDEN," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on January 16, 1984, of permit for massage establishment at 4828 Geary Boulevard.

Case first heard February 8, 1984. At that time, the Board voted 3-1, With Commissioner Jackson dissenting, to overrule the Department with stipulations. The Department was upheld and the permit revoked.

Upon motion of Vice President Berg, the Board voted 4-1, with Commissioner Jackson dissenting, to rehear the appeal.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR:

APPEAL NO. 84-011

DAGMAR OLSON, Appellant vs. DEPT. PUBLIC WORKS, RESPONDENT
CITY PLANNING APPROVAL

Protesting issuance on January 17, 1984, to Agnese Udinotti and D. Papahadjopoulos, permit to alter a building at 1515 Willard Street. APPLICATION NO. 8302905.

By consent of parties involved, case continued to February 29. 1984, in order to allow time for the permit holder to meet with the neighbors.

APPEAL NO. 84-013

ANDREW ROSS LEVINE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 3, 1984, for work done at 1238 Church Street. APPLICATION NO. 8300434

Don Lim represented the Department of Public Works. The appellant spoke on his own behalf. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department with the stipulation that the penalty be reduced to $76.50, plus the regular fee of $17.00, for a total of $93.50 due to the Department.

APPEAL NO. 84-015

PIPE SYSTEMS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 8, 1984, for work done at 1528 Chestnut Street. PLUMBING CHARGE NOTICE NO. 25429.

APPEAL NO. 84-015

Mr. Don Lim representd the Department of Public Works. The appellant appeared on his own behalf. Upon motion of President Guggenhime, the Board voted 4-1, with Commissioner Engmann dissenting, to overrule the Department with the stipulation that the penalty be reduced to $168.05, plus the regular fee of $168.05, for a total of $336.10 due the Department.

APPEAL NO. 84-016

101 CALIFORNIA VENTURE, Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on January 31, 1984, to Donald M. Robinson, dba "Convenience," peddler's permit (video movies) at 101 California Street. PERMIT NO. 66900.

The protest appellant was represented by Attorney Carole M. Vickers. Lawrence Wilson, Esq., appeared for the Police Department, and the permit holder spoke on his own behalf. After discussion, the matter was continued to March 21, 1984, in order to allow notification and investigation of a proposed alternate location on Pine Street.

APPEAL NO. 84-018

TAZAMMAL A. HUSSEIN, Appellant vs. FIRE DEPARTMENT, Respondent
DEPT. PUBLIC WORKS DISAPPROVAL

Denial on February 9, 1984, of permit to operate a public repair garage at 40 Shotwell Street.

This matter was continued to February 29, 1984, due to the illness of the Fire Department representative.

APPEAL NO. 84-017

NOEL FRELICOT, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated February 3, 1984, for property at 468 Ellis Street.

Ms. Nancy Gin appeared on behalf of the Zoning Administrator. Peter J. Siggins, Esq., represented the appellant, who is the tenant at the subject address operating a garment shop. After discussion, the Board, upon motion of Commissioner Engmann, voted unanimously to uphold the Department. The appellant has six months to comply with the ruling of the Zoning Administrator and cease operation of the garment shop.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 6:30 p.m.

DATE:

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, FEBRUARY 29, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:20 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officers Gallagher and Davis representing the Police Department; Mr. Robert Passmore for the Department of City Planning; Lt. Charles Farrell for the Fire Department; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

THE FOLLOWING CASES WERE TAKEN OUT OF CALENDAR ORDER:

APPEAL NO. 84-019

EUGENE AND CECILE DAWYDIAK, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated February 7, 1984, regarding property at 1714 to 1716 Lombard Street.

The Executive Director advised the Board that the appellant and City Planning had agreed to a continuance of this appeal to March 14, 1984.

APPEAL NO. 83-280

CARA E. CAMERON, dba "STUDIO WEST," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on December 23, 1983, of permit for cabaret, dance hall keeper, and place of entertainment at 100 Vallejo Street.

The Executive Director advised the Board that both parties had agreed to a continuance to March 21, 1984.

APPEAL NO. 84-009

ARAYA INTAWONG, dba "ANNIE'S BATH GARDEN," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on January 16, 1984, of permit for massage establishment at 4828 Geary Boulevard.

This rehearing was at the request of the appellant. Lawrence Wilson, Esq., represented the Police Department, and Richard de Jauregui, Esq., appeared for the appellant. Mr. Wilson advised the Board that the Department had reached a settlement with the appellant prior to the hearing. Upon motion of Vice President Berg, the Board voted 5-0 to overrule the Department, with the stipulation that the permit be suspended for 120 days.

At this point the Hearing Reporter swore in those people who were to give testimony during the course of the hearing.

APPEAL NO. 84-020

PETER J. BULLOCK, dba "ABIGAIL CARRIAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 10, 1984, of permit for horse-drawn vehicle for hire with a proposed route of eleven square blocks surrounding and including Civic Center.

Lawrence Wilson, Esq., represented the Police Department. Dr. Bullock spoke to the Board on his own behalf. Mr. Wilson advised the Board that the granting of this permit would intensify existing traffic problems. After testimony and discussion, Vice President Berg moved to overrule the Police Department and grant the permit for weekends and State recognized holidays only, for a 90-day period. The vote was 3-2, with Commissioners Engmann and Giraudo voting to uphold the Department. Therefore, the Department was upheld.

THE NEXT APPEALS WERE HEARD IN REGULAR CALENDAR ORDER

APPEAL NO. 84-018

TAZAMMAL A. HUSSEIN, Appellant vs. FIRE DEPARTMENT, Respondent
DEPT. PUBLIC WORKS DISAPPROVAL

Denial on February 9, 1984, of permit to operate a public repair garage at 40 Shotwell Street.

Mr. Don Lim represented the Department of Public Works, the Fire Department was represented by Lt. Charles Farrell and the appellant spoke on his own behalf. Mr. Lim advised the Board that his Department's disapproval had been issued in error, thus resulting in the Fire Department's disapproval. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and issue the permit.

APPEAL NO. 84-003

RICHARD N. AND JEAN T. RAPOPORT, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on December 29, 1983, to Charles Sprincin, permit to erect a structure at 2256 Hyde Street. APPLICATION NO. 8310158.

This rehearing was at the request of the permit holder, Mr. Charles Sprincin, who spoke on his own behalf. Mr. Passmore represented the Department of City Planning, and Mr. Rapoport briefly discussed his position. Mr. Sprincin then spoke at length. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department with the following stipulations: (1) That the building is to be in general conformity

with the set of plans approved by this Board at its hearing upon appeal from the granting of the variance in 1980, which plans consist of seven (7) pages, dated 21 May 1980, 23 May 1980, 28 May 1980 and 18 June 1980, with the addition of a skylight in conformity with the sketch submitted to the Zoning Administrator dated July 16, 1980, which sketch is contained in the Variance File and subsequently submitted to the Board of Permit Appeals; and (2) that no permit shall be issued unless and until the final plans are approved by the Zoning Administrator, who shall make the determination, particularly with respect to any rooftop projections, as to what constitutes general conformity with the above-referenced 1980 plans and skylight as indicated on the July 16, 1980 sketch.

APPEAL NO. 84-008

BARBARA CERF BAER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 9, 1984, to Cost Plus, Inc., permit to erect a structure at 2552 Taylor Street. APPLICATION NO. 8310284.

This rehearing was at the request of the appellant, Barbara Cerf Baer. Before the appeal was heard, Commissioner Giraudo cited a possible conflict of interest which the Board and parties determined was not disqualifying. President Guggenhime made the motion that the Negative Declaration was adequate, and the Board unanimously concurred with him. Mr. Robert Passmore represented the Department of City Planning. Jack Wholey, Esq., spoke on behalf of the appellant. Upon motion of President Guggenhime, the Board voted 4-1 to uphold the Department with stipulations. Commissioner Engmann voted to overrule the Department. The stipulations were as follows: (1) That deliveries (entry of loading and unloading vehicles, trailors and trucks into the loading docks) and debris removal shall take place only Monday through Friday, between the hours of 11 a.m. and 12 noon, and 1 p.m. and 2 p.m.; (2) that the trailors be restricted to 27 feet in overall length, with the truck and trailor combination to be no longer than can be completely contained within the enclosed loading area within the envelope of the building, so that when the truck and trailor is within the loading dock, it is entirely off the street and sidewalk; and (3) that a Notice of Special Restriction be prepared and approved by the Zoning Administrator, and recorded, before any building permit shall be issued.

APPEAL NO. 84-021

HUONG THI HUYNH, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on February 10, 1984, of masseuse trainee permit at 1172 Sutter Street.

Lawrence Wilson, Esq., appeared for the Police Department. Jeffery Perkins, Esq., represented the appellant who testified on her own behalf. Upon motion of President Guggenhime, the Board voted 4-1 to overrule the Department with the stipulation that the appellant be placed on probation until the expiration of the training permit. Commissioner Engmann dissented.

APPEAL NO. 84-020

DENIS W. WADE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 1, 1984, to McElligott Construction, permit to erect a structure at 88 Surrey Street. APPLICATION NO. 8305262.

Mr. Robert Passmore represented the Department of City Planning. The appellant spoke on his own behalf. Owen O'Donnell, Esq., appeared for the permit holder. The Board requested that the matter be put over to March 14, 1984, and scheduled a site inspection for March 13, 1984, at 8 a.m. The Board requested that a member of City Planning attend the site inspection.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 8:05 p.m.

DATED: February 29, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 14, 1984

5:30 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 6:15 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Commissioner Mattie J. Jackson was absent.

Also present were: Mr. Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and various police officers representing the Police Department; Ms. Nancy Gin, Sidney Shaw and Barry Pearl for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Requests for Rehearing:

APPEAL NO. 84-017

NOEL FRELICOT, Appellant vs. SAN FRANCISCO ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code for property at 468 Ellis Street. Case heard February 22, 1984. The Board voted 5-0 to concur with the Department. There being no motion, the case will not be reheard.

APPEAL NO. 84-020

PETER J. BULLOCK, dba "ABIGAIL CARRIAGE," Appellant vs. SAN FRANCISCO POLICE DEPARTMENT, Respondent

Denial of permit for horse-drawn vehicle for hire with proposed route of eleven square blocks surrounding and including Civic Center. Case heard February 29, 1984. The Board by a split vote voted to uphold the Department. There being no motion, the case will not be reheard.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR:

APPEAL NO. 84-014

DENIS W. WADE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 1, 1984, to McElligott Construction, permit to erect a structure at 88 Surrey Street.

This matter was first heard on February 29, 1984, and continued to allow a site inspection on March 13, 1984. Commissioner Giraudo reported on the site inspection made by himself, Vice President Berg and Executive Director Pilcher. Upon motion of Commissioner Giraudo, the Board voted 4-0 to concur with the Department.

APPEAL NO. 84-011

DAGMAR OLSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on January 14, 1984, to Agnese Udinotti and D. Papahadjopoulos, permit to alter a building at 1515 Willard Street. APPLICATION NO. 8302905.

This matter was previously heard on February 8, 1984. President Guggenhime opened discussion of the case with the statement that there would not be any testimony taken at this time other than answers to direct questions of the Commissioners. Ms. Nancy Gin, Mr. Sidney Shaw and Barry Pearl represented the Department of City Planning. Mr. Papahadjopoulos and Ms. Jan Mead responded to questions posed by the Board. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department, with the stipulation that the plans for the premises will be the plans before the Board, subject to the approval of the Building Department with regard to any modifications necessary to satisfy the Building Code.

APPEAL NO. 84-023

GENE AND PHOEBE GROEGER, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on February 21, 1984, for work done at 81 San Jacinto Way. APPLICATION NO. 8209848.

Mr. Don Lim represented the Department of Public Works. Mr. Richard Gutierrez spoke on behalf of the appellant. Upon motion of Commissioner Giraudo, the Board voted 4-0 to overrule the Department with the stipulation that the penalty be reduced to $132.60, plus the regular fee of $132.60, for a total of $265.20 due to the Department.

APPEAL NO. 84-026

RUFINO GUTIERREZ, dba "20 VAL CLUB," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on February 16, 1984, of permits for billiard parlor and mechanical amusement devices at 3591 Twentieth Street.

Lawrence Wilson represented the Police Department. Police Officers George Nazzal, Richard Montero, James Gervasi, Thomas Argo, Michael Puccinelli and David Overhoffer testified in support of the Department's position. Ms. Debra Gavlah and Mr. Richard Jongordon, area neighbors, also spoke in support of the Department. Peter J. Siggins, Esq., represented the appellant, who was also present. Upon motion of Vice President Berg, the Board voted 4-0 to uphold the Department and revoke the permits.

APPEAL NO. 84-031

JAMES J. DOHERTY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 29, 1984, of permit to alter a building at 1329 Pierce Street. APPLICATION NO. 8402163.

Mr. Don Lim spoke for the Department of Public Works. Lt. Charles Farrell represented the Fire Department. The appellant was present and spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit, with the stipulation that the building is required to be completely sprinklered with a supervised sprinkler system throughout.

APPEAL NO. 84-029

MARY B. HOOPER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on February 16, 1984, to Walter Gray. permit to alter building at 24 Buena Vista Terrace. APPLICATION NO. 8312444.

The appeal was withdrawn prior to the hearing upon written request of the appellant.

THE FOLLOWING APPEAL WAS TAKEN OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 84-027

MI DUONG, dba "REX SEWING COMPANY," Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated January 30, 1984, for property at 251 Hyde Street.

Mr. Barry Pearl represented the Department of City Planning. Peter J. Siggins, Esq., represented the appellant. After testimony and discussion, upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department with the stipulation that the appellant has six months to comply with the Department order to relocate her business. The motion also incorporates the Board's findings in the previous two similiar appeals that have come before the Board.

THE FOLLOWING CASES ARE IN REGULAR CALENDAR ORDER

APPEAL NO. 84-030

HUGO A. AND BOWYOUNG E. SALINAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on February 18, 1984, to Brian, Kevin and Michael McEvoy, permit to alter a building at 1265 - 22nd Avenue. APPLICATION NO. 8400725.

Mr. Don Lim represented the Department of Public Works. Ms. Nancy Gin and Mr. Barry Pearl appeared for the Department of City Planning. Mr. James F. Fontenos, a neighbor, represented the appellant. Mr. Michael McEvoy, one of the permit holders, spoke on behalf of the permit holders. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit. President Guggenhime also asked the Departments to have someone verify within the 10-day rehearing period that the building did conform to the Building Code.

APPEAL NO. 84-019

EUGENE AND CECILE DAWYDIAK, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated February 7, 1984, for property at 1714-1716 Lombard Street.

All interested parties agreed to a continuance until further notice.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 7:40 p.m.

DATE: March 14, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MARCH 21, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:20 p.m.

Also present were: President Richard J.Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann

Commissioner Louis J. Giraudo was absent.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officers West, O'Shea and Davis representing the Police Department; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request that the Board take jurisdiction beyond the ten-day period:

SIDNEY R. UNOBSKEY: Protest building permit for 2769-2771 Union Street. Appellant states building permit issued in October of 1984. There being no motion, the case will not be heard.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. 83-245

MR. AND MRS. BINKLEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 25, 1984, of permit to alter a building at 2224 Sacramento Street. APPLICATION NO. 8404055.

Mr. Don Lim represented the Department of Public Works. William M. Bennett, Esq., represented the appellant. After discussion, the Board scheduled a site inspection for April 3, 1984, at 5:30 p.m. The Board requested that Chief Building Inspector Don Lim and Lt. Charles Farrell of Fire Prevention attend the site inspection. The case was continued for further hearing to April 4, 1984.

APPEAL NO. 83-280

CARA E. CAMERON, dba "STUDIO WEST," vs. POLICE DEPARTMENT, Respondent

Denial on December 23, 1984, of permit for cabaret, dance hall keeper, and place of entertainment at 100 Vallejo Street.

Lawrence Wilson, Esq., represented the Police Department. Christopher Hays, Esq., represented the appellant. Ms. Cameron spoke at length on her own behalf. A neighbor, Mr. William Matlock, spoke in support of the Department. Upon motion of Vice President Berg, the Board voted 4-0 to overrule the Department with the following stipulations: That the items contained in the letter dated February 21, 1984, addressed to the Police Department and signed by Cara Ebert Cameron, numbered (i) through

(xiv), with the exception of item (xiii), shall be incorporated by reference and made a part of this decision; and (2) item (xiii) shall not be a part of this decision during the initial 120 days of the new ownership and operation. At the end of said 120 day period, the "in and out" policy as set forth in item (xiii) will be reviewed by the Police Department. The appellant shall abide by all of the items set forth in said letter.

APPEAL NO. 84-016

101 CALIFORNIA VENTURE, Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on January 31, 1984, to Donald M. Robinson, dba "Convenience," peddler's permit (video movies) at 101 California Street. PERMIT NO. 66900.

This case was first heard February 22, 1984. It was continued at that time to allow for a period of time to locate another site. Lawrence Wilson, Esq., and Inspector West represented the Police Department. They verified that a location on Pine Street had been approved. Carole N. Vickers, Esq., represented the appellant. Upon motion of President Guggenhime, the Board voted 3-1, with Commissioner Engmann dissenting, to overrule the Department regarding the 101 California Street location, but upheld as to the Pine Street location. The Pine Street location is at meter No. 16 on the block of Pine Street Numbered 0-99.

APPEAL NO. 84-040

JOANN THI VY, dba "FUJI ORIENTAL MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on March 7, 1984, of masseuse permit at 585 Eddy Street.

Lawrence Wilson, Esq., and Officer O'Shea represented the Police Department. Keith H. Stevens, Esq., appeared for the appellant, who was present. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-038

MAXIE GARCIA AND JIMMY MENDEZ, Appellant vs. POLICE COMMISSION, Respondent

Revocation on February 29, 1984, of jitney bus owner permit on the Mission Street jitney bus route.

Lawrence Wilson, Esq., represented the Police Department. He advised that the unpaid fees had been the basis for revoking the permit. However, he noted that the fees had now been paid, thus removing the obstacle to reinstating the permit. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and issue the permit.

At this point in the hearing, Doris Levine, Official Hearing Reporter swore in those who were to give testimony in the following appeal.

APPEAL NO. 84-034

QUYNH TU LU, dba "SINGAPORE HOTSPRING," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on February 23, 1984, of massage establishment permit at 801 Geary Street.

Lawrence Wilson, Esq., and Officer Davis represented the Police Department. Terri Palladino King, Esq., represented the appellant who spoke on her own behalf. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department with the stipulation that the permit be suspended for 120 days.

APPEAL NO. 84-032

GREAT WESTERN SAVINGS AND LOAN ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

Denial on February 27, 1984, of permit to alter a building at 2454 Noriega Street. APPLICATION NO. 8312037.

Mr. Sidney Shaw appeared for the Department of City Planning. Timothy Tosta, Esq., represented the appellant. Area neighbors appeared in support of the appellant. Prior to the Board's vote, Mr. Tosta assured the Board that the appellant did not plan at any future date to expand the present proposed size of the building. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit and adopt and incorporate the Findings of Fact.

APPEAL NO. 84-035

JOHN D. AND MARY McWILLIAMS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on February 29, 1984, to Brian J. and Shirley W. Tom, permit to alter a building at 2351 Forty-second Avenue. APPLICATION NO. 8305108.

Mr. Sidney Shaw represented the Department of City Planning. Mr. McWilliams spoke in his own behalf, and was supported by Ms. Marie Raspaolo, a neighbor. The permit holder, Mr. Brian Tom, responded to questions posed by the Board. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 84-028

JOEL COOPERSMITH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 27, 1984, of permit to alter a building at 3929-24th Street. APPLICATION NO. 8400807.

Mr. Don Lim represented the Department of Public Works. Mr. Coopersmith appeared in his own behalf. This case was continued to April 4, 1984, to allow for the Bureau of Building inspection to conduct another inspection of the premises.

APPEAL NO. 84-039

MELVIN R. CURTACCIO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 14, 1984, of permit to alter a building at 1921 Vallejo Street. APPLICATION NO. 8401429.

Mr. Don Lim represented the Department of Public Works. Mr. Curtaccio spoke in his own behalf. After lengthy discussion, the matter was continued to April 4, 1984, to allow for a site inspection to determine the legality of the ceiling height in the basement unit. The site inspection is scheduled for April 3, 1984, at 6:00 p.m.

APPEAL NO. V84-037

DONALD G. GARIBALDI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on February 29, 1984, of off-street parking variance sought for property at 944 Union Street.

Upon request of the appellant, the case was continued to April 4, 1984.

APPEAL NO. V84-036

VINCENT TAI, c/o TAI ASSOCIATES, ARCHITECTS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on February 27, 1984, of variances sought from standards for rear yard and building height in the last ten feet of buildable area for property at 34 Himmelman Place.

Mr. Sidney Shaw represented the Zoning Administrator. Gordon Lau, Esq., appeared for the appellant. The appellant spoke on his own behalf, supported by Ms. Mardelle M. Shepley. Neighbors Ms. Lynn Adams and Mr. Allan Lucas spoke in support of the Department. Upon motion of Vice President Berg, the Board voted 4-0 to uphold the Department and deny the permit.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 8:40 p.m.

DATE: March 21, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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M I N U T E S

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, APRIL 4, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:10 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officer Bob Davis representing the Police Department; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request that the Board take Jurisdiction beyond the 10-day period:

SIDNEY R. UNOBSKEY: Protesting the issuance of a building permit for 2769-2771 Union Street. The appellant states that the building permit was issued in October of 1983. This matter was initially brought before the Board on March 21, 1984. At that time it did not receive a motion. In response to this second request, Commissioner Giraudo, who was absent on March 21, 1984, made a motion that the Board take jurisdiction beyond the 10-day period. The Board voted 4-1, with Commissioner Jackson dissenting, to take jurisdiction.

MI DUONG: Order to cease violation of the Planning Code, Rex Sewing Company, 251 Hyde Street, Appeal No. 84-027. Appellant's attorney, Peter J. Siggins, states circumstances prevented his being able to file the request for rehearing withing the 10-day period. Upon motion of President Guggenhime, the Board voted 5-0 to accept jurisdiction beyond the 10-day period.

Request for Rehearing:

(a) APPEAL NO. 84-027

MI DUONG, dba "REX SEWING COMPANY," Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated January 30, 1984, for property at 251 Hyde Street.

Appeal first heard on March 14, 1984. Upon motion of President Guggenhime, the Board voted 4-1 to uphold the Department with the stipulation that the appellant has six-months to comply with the Department's order to relocate her business. The motion also incorporated the Board's findings in the previous two similiar appeals that have come before the Board. There being no motion, the appeal will not be reheard.

Request for Rehearing (Continued)

(b) APPEAL NO. 84-030

HUGO A. AND BOWYOUNG E. SALINAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on February 18, 1984, to Brian, Kevin and Michael McEvoy, permit to alter a building at 1265 - 22nd Avenue. APPLICATION NO. 8400725.

Case heard March 14, 1984. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit. At that time, the Board asked that the Bureau of Building Inspection inspect the job site and ascertain if the construction was according to Code requirements. This inspection was to have been made before the expiration of the 10-day rehearing period. Mr. Don Lim advised the Board that they had not been able to gain access to the building for the purpose of inspection. The appellant was asked to delay his request for a rehearing for two weeks, during which time the Bureau would again attempt an inspection of the premises. The outcome of this effort would be the framework of reference for the rehearing decision.

(c) APPEAL NO. 84-034

QUYNH TU LU, dba "SINGAPORE HOTSPRING," Appellant vs. SAN FRANCISCO POLICE DEPARTMENT, Respondent

Revocation of massage establishment permit at 801 Geary Street.

Appeal heard March 21, 1984. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department with the stipulation that the permit be suspended for 120 days. There being no motion, the appeal will not be reheard.

THE NEXT MATTER TO BE HEARD WAS TAKEN OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 84-041

MOHAMED KARAH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on March 16, 1984, of permit to erect a sign at 499 O'Farrell Street. APPLICATION NO. 8401561.

Mr. Sidney Shaw appeared for the Department of City Planning. Mr. Karah spoke in his own behalf. Mr. Shaw advised the Board that his department has withdrawn its objection to the sign. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit.

THE NEXT MATTERS TO BE HEARD WERE TAKEN IN REGULAR CALENDAR ORDER

APPEAL NO. 84-245

MR. AND MRS. BINKLEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 25, 1984, of permit to alter a building at 2224 Sacramento Street. APPLICATION NO. 8304055.

President Guggenhime, Vice-President Berg and Commissioner Engmann conducted a site inspection on April 3rd. Mr. Don Lim represented the Department of Public Works. Lt. Charles Farrell represented the Fire Department. William Bennett, Esq., represented

the appellant. After lengthy discussion and upon motion of Vice President Berg, the Board voted 5-0 to overrule the Department with the following stipulations: (1) That the appellant shall provide for a supervised sprinkler system with rapid response heads throughout the building; (2) that self-closers shall be installed on all doorways leading to any hallways; (3) that the Department is overruled as to the enclosure of stairwells, and as to the winders; and (4) that the Board voted 5-0 that seismic matters are to be referred to the Board of Examiners.

APPEAL NO. 84-039

MELVIN R. CURTACCIO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on March 14, 1984, of permit to alter a building at 1921 Vallejo Street. APPLICATION NO. 8401429.

President Guggenhime, Vice President Berg and Commissioner Engmann conducted a site inspection of this property on April 3rd. Mr. Sidney Shaw appeared for the Department of City Planning. The appellant was present. After a brief discussion and upon motion of President Guggenhime, the Board voted 5-0 to concur with the Department and deny the permit.

APPEAL NO. 84-028

JOEL COOPERSMITH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on February 27, 1984, of permit to alter a building at 3929-24th Street. APPLICATION NO. 8400807.

Mr. Don Lim represented the Department of Publice Works. The appellant spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 84-042

BA THI GOLDBERG, dba "NIKKI'S ORIENTAL MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 7, 1984, of massage establishment permit at 1172 Sutter Street. Lawrence Wilson, Esq., and Officer Davis represented the Police Department. Jeffery Perkins, Esq., represented the appellant. Ms. Goldberg spoke in her own hehalf. Ms. Hui Thi Carr, an employee of Ms. Goldberg, testified in support of the appellant. Upon motion of Commissioner Jackson, the Board voted 4-1, with Commissioner Giraudo dissenting, to overrule the Department with the stipulation that the permit be suspended for 30 days, with a six-month probationary period to start at the end of the suspension.

APPEAL NO. 84-044

CARLOS AND ZENAIDA CAJILIG, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 14, 1984, for work done at 56 Harold Avenue. PLUMBING CHARGE NOTICE NO. 252884.

Mr. Don Lim appeared for the Department of Public Works. Ms. Zenaida Cajilig appeared in her own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department with the stipulation that the penalty be reduced to $17.00, plus the regular fee of $17.00, for a total of $34.00 due to the Department.

APPEAL NO. 84-047

JOHN P. WEBER/JOCELYNE M. NEILSEN, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 21, 1984, for work done at 465 Brussells Street. APPLICATION NO. 8310227.

Mr. Don Lim appeared for the Bureau of Building Inspection. Mr. John Weber spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department with the stipulation that the penalty be reduced to $74.80, plus the regular fee of $74.80, for a total of $149.60 due to the Department. The Board noted to the appellant that if he wished to submit a letter from the company from whom he bought the solar kit in which they state that he did not need a permit to install their kit, he must submit the letter within the 10-day rehearing period.

APPEAL NO. 84-048

CALVIN A. MENDONCA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on March 16, 1984, for work done at 363 Diamond Street. APPLICATION NO. 8313066.

Mr. Don Lim appeared for the Department of Public Works. Mr. Mendonca spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $60.35, plus the regular fee of $60.35, for a total of $120.70 due to the Department.

APPEAL NO. 84-045

DAVID D. GROVE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 9, 1984, to Lloyd Flood, permit to alter a building at 1406 to 1408 Kearny Street. APPLICATION NO. 8305854.

Mr. Don Lim appeared for the Department of Public Works. Mr. Grove spoke in his own behalf as did the permit holder, Mr. Lloyd Flood. Prior to making their decision, the Board asked that Chief Building Inspector Don Lim make an inspection of the property witin the next seven days to determine the facts surrounding the proposed construction. If the situation is not as represented by the permit holder, the appellant would be within the 10-day appeal period. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 84-049

STEVE M. IHARA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 18, 1984, to Charles Carlin, permit to demolish a building at 758-22nd Avenue. APPLICATION NO. 8401862.

Mr. Don Lim represented the Department of Public Works. Mr. Ihara spoke in his own behalf and was supported by James F. Fotenos, Esq. The permit holder, Mr. Charles Carlin, spoke in his own behalf and was supported by Mr. Vince Walsh, a member of the San Francisco Builder's Association. After lengthy discussion, the Board continued the matter to April 28, 1984. The Board requested that the Executive Director secure a City Attorney's opinion as to what the implications of the new Demolition Ordinance are to the Board.

APPEAL NO. 84-046

CITY INVESTMENT CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 7, 1984, of permit to alter a building at 2175 Mission Street. APPLICATION NO. 8206282.

This appeal was accepted in error and canceled prior to the hearing.

APPEAL NO. V84-037

DONALD G. GARIBALDI, Appellant vs. SAN FRANCISCO ZONING ADMINISTRATOR, Respondent

Denial on February 29, 1984, of off-street parking variance sought for property at 944 Union Street.

This appeal was withdrawn prior to the hearing at the written request of the appellant.

APPEAL NO. 84-043

WILLIE AND SANDRA SCHNEIDER, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on March 9, 1984, of permit to alter a building at 2534 Fourteenth Avenue. APPLICATION NO. 8400668.

Mr. Don Lim appeared for the Department of Public Works. The appellant, Ms. Schneider, spoke in her own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:15 p.m.

DATE: April 4, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 11, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:20 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann

Commissioner Louis J. Giraudo was absent.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officer Guinan represented the Police Department; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Request for rehearing

APPEAL NO. 84-030

HUGO A. AND BOWYOUNG E. SALINAS, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on February 18, 1984, to Brian, Kevin and Michael McEvoy, permit to alter a building at 1265-22nd Avenue. APPLICATION NO. 8400725.

Appeal first heard on February 18, 1984. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit. This request for rehearing was on the April 4, 1984 addendum, but was put over to this hearing for consideration in order that the Bureau of Building Inspection might have time to conduct an inspection of the premises. Chief Building Inspector Don Lim once again advised the Board that his Department had been unable to gain access to the building for the purpose of inspection. The Board continued the matter to the Hearing on April 25th. The Board requested Director Pilcher to advise the appellants that they must permit an inspection of the Building before April 25, 1984. If not, the permit will be denied.

THE NEXT APPEAL WAS FROM THE REGULAR CALENDAR

APPEAL NO. 84-051

RONALD D. PORTER, dba "SAN FRANCISCO AMERICAN INDIAN CENTER," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on March 29, 1984, of permits for dance hall keeper and place of entertainment at 225 Valencia Street.

Lawrence Wilson, Esq., and Officer Guinan represented the Police Department. Mr. Don Nelson, Vice President of the 85-87 Condo Association, spoke in support of the Department as did Mr. Randy Bugg and Mr. Kenneth Hewitt. The appellant spoke in his own behalf and was supported by Mr. Cy Miller, and employees of the Indian

Center. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department with the following stipulations: (1) Mission Station is to be notified two weeks in advance of any dance or event featuring live or amplified music; (2) one security guard is to be provided by applicant and at least one security guard is to be provided by the presentor of any dance or event; (3) applicant is to notify dance presentors that a one-day dance permit, issued by the Police Department, is required; (4) applicant and all persons utilizing the facility are to comply with Fire Code provisions and occupancy limits; (5) all events conducted in the building are to conclude no later than 1:30 a.m.; (6) applicant is to be responsible for cleaning of litter and debris in the immediate neighborhood area after each event conducted; (7) one person representing the Center management is to be available on-site during dances and events taking place at the Center; (8) the Center shall make available to the neighborhood a list of four names with telephone numbers of persons designated to be available by telephone, on call at all times during the course of any activity at the center; (9) all noise abatement requirements shall be met before issuance of any permit, and (10) Officer Guinan shall facilitate the formation of a committee of neighbors and representatives of the Center, which shall meet on a monthly basis, or more frequently if deemed necessary, to resolve and prevent problems.

APPEAL NO. 84-052

GORDON K. JONG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 4, 1984, for work done at 33 Brentwood Avenue. APPLICATION NO. 8400925.

Mr. Don Lim represented the Department of Public Works. Mr. Jong spoke in his own behalf. The Department maintained that the construction work at the property was completed recently. The Board suggested to Mr. Lim that he might like to verify that point. If the situation is not as represented, the Board would entertain a request for rehearing. Upon motion of Commissioner Engmann, the Board voted 4-0 to reduce the penalty to $204.85, plus the regular fee of $204.85, for a total of $409.70 due to the Department.

APPEAL NO. 84-050

JAMES FRANK FOTENOS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 20, 1984, to Liam Cafferrey, permit to demolish a building at 1259 Twentieth Avenue. APPLICATION NO. 8402383.

Mr. Don Lim represented the Department of Public Works. The appellant spoke in his own behalf and was supported by Ms. Ruth Call, representing Sunset Neighbors United. The permit holder was present, and was represented by Owen P. O'Donnell, Esq. Upon motion of Vice President Berg, the Board voted 3-1 to uphold the Department and grant the permit.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:45 p.m.

DATE: April 11, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

MEMBERS OF THE BOARD OF PERMIT APPEALS

Richard J. Guggenhime	-	President
Jerry E. Berg	-	Vice President
Mattie J. Jackson	-	Commissioner
Douglas J. Engmann	-	Commissioner
Louis J. Giraudo	-	Commissioner

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, APRIL 25, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:20 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Vice President Jerry E. Berg was detained and arrived after the third matter was heard and the vote taken.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., and Officer Peter Dacre representing the Police Department; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests that the Board take Jurisdiction beyond the ten-day period.

(a) MARIE CETINICH - 1901 Balboa Street

Zoning Administrator's Notice of Determination of Non-Conforming Use. Appellant stated that she was unaware of the 10-day appeal period. Upon motion of President Guggenhime, the Board voted 4-0 to take jurisdiction.

(b) SAN FRANCISCANS FOR REASONABLE GROWTH - 655 Montgomery Street

Appellant wished to appeal three temporary permits of occupancy at the above address. She stated that because of a delay by the Department of Public Works in notifying her of the issuance of the permits, she did not have sufficient time to file an appeal. Upon motion of President Guggenhime, the Board voted 4-0 to take jurisdiction.

Requests for Rehearing

(a) APPEAL NO. 84-030
HUGO A. AND BOWYOUNG E. SALINAS, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on February 18, 1984, to Brian, Kevin and Michael McEvoy, permit to alter a building at 1265 - 22nd Avenue. APPLICATION NO. 8400725. On March 14, 1984, the Board voted 4-0 to uphold the Department and grant the permit. There being no motion, the matter will not be reheard.

Vice President Berg arrived in the hearing room at 5:42 p.m.

(Requests for rehearing continued)

(b) APPEAL NO. 83-245
MR. AND MRS. BINKLEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 25, 1984, of permit to alter a building at 2224 Sacramento Street. APPLICATION NO. 8204055. On April 4, 1984, the Board voted 5-0 to overrule the Department with stipulations. There being no motion, the matter will not be reheard.

(c) APPEAL NO. 84-039
MELVIN R. CURTACCIO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 14, 1984, of permit to alter a building at 1921 Vallejo Street. APPLICATION NO. 8401429. On April 4, 1984, the Board voted 5-0 to concur with the Department and deny the permit. There being no motion, the matter will not be reheard.

(d) APPEAL NO. 84-042
BA THI GOLDBERG, dba "NIKKI"S ORIENTAL MASSAGE," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 7, 1984, of massage establishment permit at 1172 Sutter Street. On April 4, 1984, the Board voted 4-1, with Commissioner Giraudo dissenting, to overrule the Department with stipulations. There being no motion, the matter will not be heard.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR

APPEAL NO. 84-049
STEVE N. IHARA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 19, 1984, to Charles Carlin, permit to demolish a building at 758 - 22nd Avenue. APPLICATION NO. 8401862.

This case was first heard on April 4, 1984. At that time it was continued to April 25, 1984, in order that the Executive Director might secure the City Attorney's opinion as to what the implications of the new Demolition Ordinance are to the Board. Mr. Don Lim appeared for the Department of Public Works. Mr. Ihara spoke in his own behalf. The permit holder, Mr. Charles Carlin, was present. Upon motion of Commissioner Giraudo, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 84-059
JOSEPH K. EVANKO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 11, 1984, for work done at 419 O'Farrell Street. APPLICATION NO. 8402407.

Mr. Don Lim represented the Department of Public Works. Mr. Evanko appeared in his own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to reduce the penalty to $118.50, plus the regular fee of $118.50, for a total of $236.30 due to the Department.

APPEAL NO. 84-064

THOMAS HIDAS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 16, 1984, for work done at 39 Lessing Street. APPLICATION NO. 8312924.

Mr. Don Lim represented the Department of Public Works. Mr. Hidas spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 5-0 to reduce the penalty to $363.80, plus the regular fee of $363.80, for a total of $727.60 due to the Department.

APPEAL NO.84-053

TRIEU G. PHAN, dba "CAFE TAI," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on March 29, 1984, of permit for mechanical amusement devices at 410 Ellis Street.

Lawrence Wilson, Esq., represented the Police Department. Mr. Sidney Shaw spoke on behalf of the Department of City Planning. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit.

AT THIS POINT IN THE HEARING, DORIS LEVINE, OFFICIAL HEARING REPORTER, SWORE IN THOSE WHO WERE TO GIVE TESTIMONY IN THE FOLLOWING APPEAL:

APPEAL NO. 84-056

HIEN T. NGUYEN, dba "SUZIE & YVONNE'S," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on March 29, 1984, of masseuse permit at 1020 Geary Street.

Lawrence Wilson, Esq., and Officer Dacre represented the Police Department. Christopher C. Hall, Esq., was the attorney for the appellant, who was also present. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and reinstate the permit with the stipulation that the permit be suspended for a six month period.

APPEAL NO. 84-060 & 84-061

STANLEY R. AND NANCY G. UNOBSKEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on October 11, 1983, to Joseph M. Harris, permit to erect a structure at 2769 to 2771 Union Street. APPLICATION NO. 8304323

Protesting issuance on January 23, 1984, to Joseph M. Harris, permit to alter a building at 2767 to 2769 Union Street. APPLICATION NO. 8311195.

Mr. Don Lim represented the Department of Public Works. Timothy Tosta, Esq., represented the appellant, who spoke in his own behalf. He was supported by his architect, Ugo Sap, and various neighbors. The permit holder, Joseph M. Harris, was present and was represented by his attorney, John E. McInerney III. The Board continued the case to May 9, 1984, with a request that both sides work at resolving the matter through compromise.

APPEALS NO. 84-022, 84-024 and 84-025

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

By mutual consent of both parties these three appeals were continued to May 9, 1984. They were subsequently withdrawn by mutual consent of both parties.

APPEAL NO'S 84-054 & 84-055

RAPHAEL HOUSE OF THE HOLY ORDER OF MANS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on March 30, 1984, of permit to alter a building at 1065 Sutter Street, APPLICATION NO. 8402582, and denial on March 30, 1984, of a permit to erect a sign at 1065 Sutter Street, APPLICATION NO. 8202529.

Mr. Don Lim represented the Department of Public Works. Mr. Sidney Shaw spoke for the Department of City Planning. Brother Mark Story spoke on behalf of the appellant. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permits with the stipulation that the awning and sign would be permissible only as long as the premises are operated as a restaurant by the appellant.

APPEAL NO. 84-058

STANLEY W. TAYLOR, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 6, 1984, to Wayne M. Corn, permit to alter a building at 719 Scott Street. APPLICATION NO. 8303529

Mr. Don Lim represented the Department of City Planning. The appellant spoke in his own behalf. The permit holder was represented by his attorney, Mr. Wayne Spotts. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 84-063

LYDIA A. AND ZOYA A. LUKIAN, Appellants vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on Aapril 6, 1984, to John H. and Shirley E. Jacobs, permit to alter a building at 2823 Octavia Street. APPLICATION NO. 8312608.

Ms. Zoya Lukian spoke on her own behalf. Mr. John Jacobs, the permit holder, outlined his position. Upon suggestion of President Guggenhime, the interested parties withdrew from the hearing room to discuss their differences. The appellants subsequently withdrew their appeal.

APPEAL NO. 84-065

W. M. PINNEY, JR., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 5, 1984, to Pacific Heights Commons, Ltd., permit to erect a structure at 2139 Green Street. APPLICATION NO. 8313077S

The appeal had been withdrawn by the appellant prior to the hearing.

APPEAL NO. 84-057

KINRY C. AND MARIA JAVIER LOUIE, dba "LA PASTELERIA," Appellant vs. ZONING ADMINISTRATOR, Respondent (HEALTH DEPARTMENT)

Determination of the Zoning Administrator on March 30, 1984, disapproving Health Department's referral for property at 2760 Octavia Street.

Commissioner Giraudo requested that he be allowed to abstain due to conflict, and the Board so voted.

Mr. Sidney Shaw represented the Department of City Planning. The appellant, Mr. Louie, spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 3-1, with Commissioner Engmann dissenting, to overrule the Department and grant the permit. As four votes are necessary to overrule the Department, the Department was upheld.

APPEAL NO. 84-062

T.E. DONOGHUE, Appellant vs. ZONING ADMINISTRATOR, Respondent

Determination of the Zoning Administrator on April 6, 1984, disapproving building permit application for work done at 900 Columbus Avenue. APPLICATION NO. 8401595.

Mr. Sidney Shaw appeared for the Department of City Planning. Mr. Donoghue spoke in his own behalf. He based his appeal on the contention that his property was not in the Chinatown/North Beach moratorium area. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and issue the permit.

At this time, Commissioner Engmann brought to the attention of the Board a letter from Ms. Diana Parker listing violations of the Board's earlier decision regarding construction at 186 Francisco Street (Telegraph Hill Condominiums). The Board asked the Executive Director to look into the matter.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 8:36 p.m.

DATE: April 25, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 9, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:24 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., representing the Police Department; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Request for Rehearing

APPEAL NO. 84-057

KINRY C. AND MARIA JAVIER LOUIS dba "LA PASTELERIA," Appellant vs. ZONING ADMINISTRATOR, Respondent (HEALTH DEPARTMENT)

Determination of the Zoning Administrator on March 30, 1984, disapproving the Health Department's referral regarding property at 2760 Octavia Street. This appeal was heard on April 25, 1984. The Board, upon motion of President Guggenhime, had voted 3-1, with Commissioner Engmann dissenting, and Commissioner Giraudo abstaining due to conflict, to grant the permit. As four votes are necessary to overrule the Department, the Department was upheld. There being no motion, the matter will not be reheard.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR

APPEAL NO. 84-060

SIDNEY R. AND NANCY G. UNOBSKEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on October 11, 1984, to Joseph M. Harris, permit to erect a structure at 2769-2771 Union Street. APPLICATION NO. 8304323.

Timothy A. Tosta, Esq., and John E. McInerney III, Esq., attorneys for the interested parties advised the Board that a compromise had been reached and a written record of the agreement would be submitted to Ms. Pilcher within five working days. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 84-061

SIDNEY R. AND NANCY G. UNOBESKEY, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on January 23, 1984. to Joseph M. Harris, permit to alter a building at 2767 to 2769 Union Street. APPLICATION NO. 831195. (See preceding appeal)

APPEAL NO. 84-070

ISADORA CERALDE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on April 27, 1984, for work done at 403 Amazon Street. APPLICATION NO. 8307882.

Mr. Don Lim represented the Department of Public Works. Ms. Ceralde spoke in her own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department, with the stipulation that the penalty be reduced to $118.15, plus the regular fee of $118.15, for a total due to the Department of $236.30

APPEAL NO. 84-079

IVAN HO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 2, 1984, for work done at 1682 Twenty-seventh Avenue. APPLICATION NO. 8404131.

Mr. Don Lim appeared for the Department of Public Works. Mr. Ivan Ho spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $60.35, plus the regular fee of $60.35, for a total of $120.70 due to the Department.

THE NEXT APPEAL WAS HEARD OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 84-069

VITHAYA ASSAVARAT, dba "SAN FRANCISCO BACHELORS ASSOCIATES CLUB," Appellant vs. POLICE DEPARTMENT, Respondent (CITY PLANNING REFERRAL)

Denial on April 18, 1984, of permit for mechancial amusement devices at 784 O'Farrell Street.

Lawrence Wilson, Esq. represented the Police Department. He advised that a compromise had been worked out with the appellant. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department with the stipulation that two machines only be allowed, subject to obtaining the approval of the Electrical Department.

APPEAL NO. 84-068

FRANK AND VERONICA ZOUL, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 12, 1984, to James B. Wempe, permit to alter a building at 292 Dalewood Way. APPLICATION NO. 8311495.

Mr. Don Lim represented the Department of Public Works. Mr. Sidney Shaw spoke for the Department of City Planning. Mr. and Mrs. Zoul spoke in their own behalf. The Board directed that this case be continued until such time as the permit holder secures a permit to legalize the existing deck. Appellant can then protest that permit.

APPEAL NO. 84-080

GREGORY P. O'KEEFFE, Appellant vs. DEPT. PUBLIC WORKS, Respondent (CITY PLANNING)

Protesting issuance on April 24, 1984, to Roger Sciammas, permit to alter a building at 3801 Ocean Avenue. APPLICATION NO. 8402946.

Gregory P. O'Keeffe, Esq., spoke in his own behalf. Neighbor Marjorie Steffen spoke in support of the appellant. Philip J. Siggins, Esq., represented the permit holder, Roger Sciammas, who was also present. Owen O'Donnell, Esq., appeared on behalf of the property owner, Ms. Mary Pavlovsky. Ms. Margaret Patrick and Mr. John Ferguson, social workers, spoke in support of the permit holder. Mr. Don Lim represented the Department of Public Works, and Mr. Sidney Shaw spoke on behalf of the Department of City Planning. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. V84-066

JOHN W. LAU, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on April 5, 1984, of Lot Width Variance (appealing condition #1 only) for property at 239 and 243 Fifteenth Avenue.

Mr. Sidney Shaw represented the Zoning Administrator. The appellant, Mr. Lau, spoke in his own behalf. Ms. Joan Meehan, representing the Planning Association of the Richmond, spoke in support of the variance restrictions. Upon motion of Commissioner Engmann, the Board voted 4-1, with Commissioner Jackson dissenting, to uphold the Department and retain condition No. 1 of the variance.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:00 p.m.

DATE: May 9, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, MAY 16, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:20 p.m.

Present were: President Richard J. Guggenhime
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Louis J. Giraudo

Vice President Jerry E. Berg was absent.

Also present were: Chief Building Inspector Bob Kelley for the Bureau of Building Inspection; Mr. Sidney Shaw for the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

THERE WERE NO MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, OR OTHER CORRESPONDENCE, TO PRESENT TO THE BOARD

THE FOLLOWING ITEMS WERE FROM THE REGULAR CALENDAR:

APPEAL NO. 84-085

BAYARDO ESCOBAR, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 9, 1984, for work done at 224 Lowell Street. APPLICATION NO. 8403555.

Chief Building Inspector Bob Kelley represented the Department of Public Works. The appellant, Mr. Bayardo Escobar, spoke in his own behalf. He stated that he was unaware that permits were needed for the constuction work on his house. Upon motion of President Guggenhime, the Board voted 4-0 to reduce the penalty to $238.80, plus the regular fee of $238.80, for a total of $477.60 due to the Department.

APPEAL NO. 84-078

MRS. DANIEL J. CETINICH, Appellant vs. ZONING ADMINISTRATOR, Respondent

Notice of termination of commercial or industrial nonconforming status on January 25, 1984, for property at 1901 Balboa Street.

Mr. Sidney Shaw represented the Department of City Planning. The appellant, Mrs. Daniel J. Cetinich, spoke in her own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and continue the nonconforming use status with the Findings that a previous lease was entered into by the owner of the property with the intention of continuing the nonconforming use, and at no time did the owner of the property intend to terminate the legally existing nonconforming use. The appellant now understands the nature of business that would be authorized for this area.

APPEAL NO. V84-082

WILLIAM FREDERICK HEIJN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 25, 1984, of rear yard variance sought for property at the Southwest corner of Bradford Street and Jarboe Avenue.

Mr. Sidney Shaw represented the Department of City Planning. The appellant, William Frederick Heijn, spoke in his own behalf and responded to questions posed by the Board. Neighbors Ms. Amanda Washington, Mr. J. McDonald and Manual Hernandez participated in discussion of the proposed development. Upon motion of Commissioner Giraudo, the Board scheduled a site inspection for Tuesday, May 29, 1984, at 5:30 p.m. The appeal was continued to May 30, 1984.

APPEAL NO. 84-081

JUNE M. SCHMIDT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 24, 1984, to Dr. Raymond K. Li, permit to alter a building at 1842-44 Noriega Street. APPLICATION NO. 8402301.

The appellant withdrew the appeal prior to the hearing. The request for withdrawal was contained in a letter to the Executive Director.

APPEAL NO. 84-084

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 25, 1984, to Lincoln Property Company, permit to alter a building at 222 Kearny Street. APPLICATION NO. 82064205.

Appeal continued to hearing on May 30, 1984.

THE FOLLOWING THREE APPEALS WERE HEARD CONCURRENTLY

APPEAL NO. 84-074

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 28, 1984, to Crow-Spieker Companies, temporary permit of occupancy for Ropers Majeski Offices, 16th Floor, located at 655 Montgomery Street. APPLICATION NO. 8312524.

APPEAL NO. 84-075

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 6, 1984, to Crow-Spieker Companies, temporary permit of occupancy for the 12th Floor located at 655 Montgomery Street. APPLICATION NO. 8312571.

APPEAL NO. 84-073

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 28, 1984, to Crow-Spieker Companies, temporary permit of occupancy for The Silver Group Offices, 17th Floor, located at 655 Montgomery Street. APPLICATION NO. 8312422.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Ms. Sue Hestor, Esq., represented the appellant. Before presenting her case, Ms. Hestor addressed the issue of Commissioner Giraudo's conflict of interest. After testimony on this matter, President Guggenhime ruled that the issue did not have sufficient merit to disqualify Commissioner Giraudo from hearing the case. In her presentation, Ms. Hestor contended that the permit holders had not met the conditions for a permit of occupancy. She specifically alleged that there were deficiencies with regard to: (1) the creation of affordable housing; (2) payment of required transit fees; (3) preservation of archeological digs at the site; and (4) fulfilling the San Francisco employees condition.. Howard N. Ellman, Esq. appeared for the permit holders. In response to questions posed by the Board, Bob Kelley advised that until all conditions for occupancy had been met, the Department would not issue a permanent permit of occupancy. Upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department and issue the permits.

APPEAL NO. 84-077

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on April 20, 1984, to Swinerton & Walberg Company, temporary permit of occupancy for the 26th Floor located at One Sansome Street.

Case rescheduled for hearing on May 30, 1984.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:00 p.m.

DATE: May 16, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, MAY 30, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:14 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present were: Chief Building Inspector Bob Kelly for the Department of Public Works; Mr. Lawrence Wilson, Esq., representing the Police Department; Mr. Robert Passmore, Acting Zoning Administrator; Ms. Nancy Gin and Ms. Barbara Sahm, representing the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

Commissioner Jackson arrived at 5:23 p.m., in time to vote on the request for rehearing.

THE FIRST MATTER FOR CONSIDERATION WAS A REQUEST FOR A REHEARING:

(The following requests were heard concurrently)

APPEAL NO. 84-073

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on March 28, 1984, to Crow-Spieker Companies, temporary permit of occupancy for the Silver Group Offices, 17th Floor, located at 655 Montgomery Street. APPLICATION NO. 8312422.

APPEAL NO. 84-074

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on March 28, 1984, to Crow-Spieker Companies, temporary permit of occupancy for Ropers Majeski Offices, 16th Floor, located at 655 Montgomery Street. APPLICATION NO. 8212524.

APPEAL NO. 84-075

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 6, 1984, to Crow-Spieker Companies, temporary permit of occupancy for the 12th Floor located at 655 Montgomery Street. APPLICATION NO. 8312571.

The preceding appeals had been heard May 16, 1984, and upon motion of Commissioner Jackson, the Board voted 4-0 to uphold the Department. Commissioner Berg was absent. The Board voted 3-2 to rehear the appeals with Vice President Berg and Commissioner Jackson dissenting. Therefore, these matters will not be reheard.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR:

APPEAL NO. V84-082

WILLIAM FREDERICK HEIJN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 25, 1984, of rear yard variance sought for property at the southwest corner of Bradford Street and Jarboe Avenue.

This case was continued from May 16, 1984. A site inspection was made on May 29, 1984, at 5 p.m. by Vice President Berg, Commissioners Jackson and McCarthy, and Director Pilcher. Commissioner McCarthy reported on the inspection. Mr. Robert Passmore, Zoning Director, represented the Department of City Planning. The appellant, Mr. W. F. Heijn, responded to questions posed by the Board. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department and deny the variance.

APPEAL NO. 84-092

CROW-SPIEKER #99, Appellant vs. DEPT. PUBLIC HEALTH, Respondent

Denial on May 8, 1984, of permit to operate two spa pools at 655 Montgomery Street.

Mr. Bill Nall represented the Department of Health. Mr. Jim Eddy spoke on behalf of the appellant. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department with the stipulation that the appellant and the Health Department work out an agreement based on the drawings presented at the hearing.

APPEAL NO. 84-087

ARTHUR ANDERSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 14, 1984, for work done at 1627 Tenth Avenue. APPLICATION NO. 8403839.

Chief Building Inspector Bob Kelley represented the Department of Public Works. The appellant, Mr. Arthur Anderson, spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4-1 (Commissioner Engmann dissenting) to overrule the Department and reduce the penalty to $54.59, plus the regular fee of $54.59, for a total of $109.18 due to the Department.

APPEAL NO. 84-089

PEGGY LENARTOWITZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 15, 1984, for work done at 222 Jersey Street. APPLICATION NO. 8400537.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Ms. Peggy Lenartowitz spoke in her own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $438.60, plus the regular fee of $219.30, for a total of $657.90 due to the Department.

APPEAL NO. 84-090

WAYNE KASOM, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 16, 1984, for work done at 4262 Twenty-fourth Street. APPLICATION NO. 8404617.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Mr. Wayne Kasom spoke in his own behalf. Upon motion of Vice President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $89.25, plus the regular fee of $89.25, for a total of $178.50 due to the Department.

APPEAL NO. 84-093

JACK KLEIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 10, 1984, for work done at 2794 Diamond Street. APPLICATION NO. 8403939.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Mr. Klein spoke is his own behalf. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department and not reduce the penalty.

APPEAL NO. 84-135

CITY GLASS EXPRESS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 11, 1984, for work done at 749 Harrison Street. APPLICATION NO. 8403597.

Chief Building Inspector Bob Kelley represented the Department of Public Works. The appellant, City Glass Express, was not represented. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and not reduce the penalty.

APPEAL NO. 84-091

THOMAS E. McCORMICK, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Determination of the Zoning Administrator on May 7, 1984, disapproving building permit application for work at 4601 Twenty-fifth Street. APPLICATION NO. 8310504.

Ms. Nancy Gin represented the Department of City Planning. Lloyd Crenna, Esq. represented the appellant, who was also present. Upon motion of Commissioner Engmann, the Board voted 4-1 (Commissioner McCarthy dissenting) to overrule the Department in regard to dismantling the sink, cabinets, and shelving with the stipulation that the extra door in the existing studio be equipped with 'panic hardware' which would sound an alarm in the hallway if the door were opened. The findings of the Board stated that the Zoning Administrator exceeded his authority in requiring that the sink, cabinets, and shelving in the studio area be dismantled, noting that the San Francisco Building Code does not require that this be done.

APPEAL NO. 84-088

MR. AND MRS. NORMAN REIDER, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 4, 1984, to B. J. Orser, permit to alter a building at 3575 Clay Street. APPLICATION NO. 8400539.

Chief Building Inspector Bob Kelley represented the Department of Public Works. The Zoning Director, Mr. Robert Passmore, spoke for the Department of City Planning. The appellant was represented by David P. Cincotta, Esq. Upon mutual agreement of both parties, the case was continued to June 6, 1984.

APPEAL NO. V84-076

JAMES R. LANDERS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 20, 1984, of side yard variance sought for property at 365 Dorantes Avenue.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. Mrs. Landers spoke for the appellant. The case was continued to June 20, 1984, with a site inspection scheduled for June 19, 1984, at 5:30 p.m.

APPEAL NO. V84-083

WILLIAM M. BRINTON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 25, 1984, of off-street parking variance sought for property at 625 Turk Street.

Mr. Robert Passmore, Zoning Director, represented the Department of City Planning. Matthew F. Quint, Esq. represented the appellant, who also spoke in his own behalf. Upon motion of Commissioner McCarthy, the Board voted 5-0 to uphold the Department and deny the variance.

APPEAL NO. 84-077

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on April 20, 1984, to Swinerton & Walberg Company, temporary permit of occupancy for the 26th Floor located at One Sansome Street.

The case was continued from the hearing of May 16, 1984. Ms. Sue Hestor was the attorney for the appellant. Jonathan Bass, Esq. represented the permit holder. Upon motion of President Guggenhime, the Board voted 4-1, with Commissioner Engmann dissenting, to concur with the Department and grant the permit.

APPEAL NO. 84-084

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 25, 1984, to Lincoln Property Company, permit to alter a building at 222 Kearny Street. APPLICATION NO. 82064205.

Ms. Doris Levine, Official Hearing Reporter, swore in those who were to give testimony in the case. All Board members certified that they had reviewed and considered the EIR. Ms. Sue Hestor, attorney for the appellant, presented her case. She introduced Mr. R. Thomas Jones, an architect, who supported her position. David W. Rudy, Esq. spoke in behalf of his clients, Dr. and Mrs. Bernard Mander, tenants of 160 Sutter Street. His position was that present construction plans of the developer would disrupt his client's retail business. Mr. Michael Goodwin, an architect, also supported Ms. Hestor's protest. Ms. Barbara Sahm spoke on behalf of the Department of City Planning. Ms. Pamela Duffy spoke as attorney for the permit holder, and Mr. Carl Danielson also represented Lincoln Properties. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 84-094 through NO. 84-134

SAN FRANCISCO TAXICAB DRIVERS ALLIANCE, Appellants vs. POLICE DEPARTMENT, Respondent

Protesting issuance on May 10, 1984, of 41 taxicab owner's permits.

Lawrence Wilson, Esq., and Officers Farrell E. and Lamont M. Suslow represented the Police Department. Dan Siegel, Esq. presented the case for the appellants. Among those who were present and supported the appeal were Ms. Ruach Graffis, Mr. Robert Rich of the Luxor Taxicab Company, and Mr. Mark Greely of Veteran's Taxicab Company, Ms. Catherine Mann, Ms. Carol F. Fenner, Mr. Joe Flynt, Mr. Dan Hinds, Mr. John Hynes, and Mr. John Tufts. Mr. Yossedek M. Desta told the Board of his views regarding the taxicab situation. Upon motion of President Guggenhime, the Board voted 5-0 to concur with the Department and grant the permits.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 10:47 p.m.

DATE: May 30, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

SPECIAL MEETING OF THE BOARD

APPEAL NO. V84-082

SITE INSPECTION, TUESDAY, MAY 29, 1984, 5:30 p.m., Bradford Street and Jarboe Avenue. (Vice President Berg, Commissioners Jackson and McCarthy, and Director Pilcher)

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 6, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:10 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Commissioner Jackson arrived at 5:17 p.m.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Mr. Sidney Shaw representing the Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request that the Board take Jurisdiction beyond the ten-day period:

Frank A. Panacci - 1866 Donner Avenue
A letter from Frank A. Panacci regarding denial of a variance request was presented. He stated that he was out of town when the certified letter from City Planning arrived. The Board voted 4-0 to accept jurisdiction.

Adoption of Findings of Fact

(A) APPEAL NO. 84-077

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 20, 1984, to Swinerton & Walbert Company, temporary permit of occupancy for the 26th Floor located at One Sansome Street. On May 30, 1984, the Board voted 4-1, with Commissioner Engmann dissenting, to concur with the Department and grant the permit. In response to comments from Commissioner Engmann, Ms. Pamela Duffy, attorney for the permit holder, advised that the wording in Item 12 of the Findings would be changed to read "no persuasive evidence presented" instead of "no evidence presented." The Board then voted 4-0 to adopt the Findings. (Commissioner Jackson had not yet arrived).

(B) APPEAL NO. 84-084

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 25, 1984, to Lincoln Property Company, permit to alter a building at 22 Kearney Street. APPLICATION NO. 82064205. On May 30, 1984, the Board had voted 5-0 to uphold the Department and grant the permit. Upon motion of President Guggenhime, the Board voted 4-0 to adopt the Findings. (Commissioner Jackson had not yet arrived.)

(C) APPEAL NO. 84-091

THOMAS E. McCORMICK, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Determination of the Zoning Administrator on May 7, 1984, disapproving a building permit application for work at 4601 Twenty-fifth Street. APPLICATION NO. 8310504.

On May 30, 1984, the Board voted 4-1 (Commissioner McCarthy dissenting) to overrule the Department with stipulations. The Board requested that any action regarding the adoption of the Findings in this matter be delayed until the Department of City Planning has an opportunity to study the Findings. The case was continued to June 20, 1984.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR

APPEAL NO. 84-136

ALAN LEE, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of penalty on May 22, 1984, for work done at 2027 Thirty-first Avenue. APPLICATION NO. 840131.

Mr. Don Lim represented the Department of Public Works. The appellant spoke in his own behalf. Upon motion of Commissioner Jackson, the Board voted 4-1, with Commissioner McCarthy dissenting, to overrule the Department and reduce the penalty to $74.80, plus the regular fee of $74.80, for a total of $149.60 due to the Department.

APPEAL NO. 84-141

DONALD McGEE, Appellant vs. DEPT. OF PUBLIC WORKS, Respondent

Imposition of penalty on May 25, 1984, for work done at 464 Valley Street. PLUMBING CHARGE NOTICE NO. 25228.

Chief Building Inspector Don Lim represented the Department of Public Works. Mr. McGee spoke in his own behalf. Upon motion of Vice President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $117.25, plus the regular fee of $117.25, for a total of $234.50 due to the Department.

APPEAL NO. 84-137

STUART McINTEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty for work done at 860 DeHaro Street, APPLICATION NO. 8403315.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant spoke on his own behalf. Upon motion of Vice President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $89.25, plus the regular fee of $89.25, for a total of $178.50 due to the Department.

APPEAL NO. 84-138

LEONOR DOROMAL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty for work done at 2206 Forty-fourth Avenue, APPLICATION NO. 8401355.

APPEAL NO. 84-138 (Cont)
Chief Building Inspector Don Lim represented the Department of Public Works, Ms. Doromal spoke in her own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $89.25, plus the regular fee of $89.25, for a total of $178.50 due to the Department.

APPEAL NO. 84-145

FISHER DEVELOPMENT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty for work done at 1498 Polk Street. APPLICATION NO. 8404234.

Chief Building Inspector Don Lim represented the Department of Public Works. Michael Paul Spear represented the appellant. Upon motion of Commissioner Jackson, the Board voted 4-1, President Guggenhime dissenting, to concur with the Department and sustain the penalty.

APPEAL NO. 84-142

DAVID S. GAST, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial of permit to alter a building at 145 Presidio Avenue. APPLICATION NO. 8403223.

Prior to hearing this appeal, Commissioner Engmann noted that his firm had employed the same architect as represented the appellant. He stated that a conflict of interest did not exist. Mr. Sidney Shaw represented the Department of City Planning. Mr. David S. Gast, the architect, represented the permit holder, who also spoke. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit with the following stipulations: That a deed restriction be recorded indicating that: (1) there are to be no cooking facilities in the premises; (2) the premises are not to be rented out in any fashion or manner; and (3) the use of the unit shall be restricted to occupants of the main unit only.

APPEAL NO. 84-088

DR. AND MRS. NORMAN REIDER, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 4, 1984, to B. J. Orser, permit to alter a building at 3575 Clay Street. APPLICATION NO. 8400539.

Case continued to June 20, 1984. Permit holder to be out of town until June 12, 1984.

APPEAL NO. 84-139

AUGUSTUS L. CASTRO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 15, 1984, to John Williams, permit to alter a building at 1529A Beach Street. APPLICATION NO. 8404238.

Appellant and permit holder agreed to a continuance in order to work out an agreement. Case continued to June 20, 1984.

APPEAL NO. 84-140

BARTLE WELLS ASSOCIATES, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 14, 1984, to Ming's Restaurant, permit to alter a building at 1634 Bush Street. APPLICATION NO. 840032

Chief Building Inspector Don Lim represented the Department of Public Works. Mr. Wells spoke in behalf of Bartle Wells Associates. Miss Anna Ngow spoke on behalf of the permit holders, Mr. and Mrs. Yet Sun Yee. The Board requested that Mr. Lim compare the original plans and the revised plans, and have the Fire Department, the Department of City Planning and the Health Department review Mr. Well's comments. The case is continued to June 20, 1984.

APPEAL NO. 84-143

ELLEN T. JONES, et al, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 22, 1984, to John Z. Posadas, permit to erect a structure at 33 Mars Street. APPLICATION NO. 8402869.

Chief Building Inpector Don Lim represented the Department of City Planning. Mr. Sidney Shaw spoke for the Department of City Planning. Ms. Mae Silver represented the neighborhood association. Ms. Jones spoke in support of the appeal. The permit holder, John Z. Posadas, spoke in his own behalf. A site inspection was scheduled for June 19th at 6:00, and the case was continued to June 20, 1984.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:12 p.m.

DATE:

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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M I N U T E S

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 20, 1984

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:16 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engnamm
Commissioner Louis J. Giraudo

Commissioner Jackson Arrived at 5:23 p.m.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Mr. Sidney Shaw and Ms. Nancy Gin for the Department of City Planning; Lt. Charles Farrell representing the Fire Department; Mr. Bill Nall for the Health Department; Mr. Dot Yee representing the Department of Public Works Plan Checking Section; Philip Siggins, Esq., District Attorney's Office; Mr. Jerry Romani, City Real Estate Department; Ms. Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for Rehearing:

(a) APPEALS NOS. 84-094 through 84-134

SAN FRANCISCO TAXICAB DRIVERS ALLIANCE, Appellants vs. POLICE DEPARTMENT, Respondent

Protesting issuance on May 10, 1984, of Taxicab Owner's permits. On May 30, 1984 the Board voted 4-0 to concur with the Department and grant the permits. There being not motion, the matter will not be reheard.

(b) APPEAL NO. V83-083

WILLIAM M. BRINTON, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 25, 1984, of off-street parking variance sought for property at 625 Turk Street. On May 30, 1984, the Board voted 5-0 to uphold the Department and deny the variance. There being no motion, the matter will not be reheard.

(c) APPEAL NO. 84-135

CITY GLASS EXPRESS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 11, 1984, for work done at 759 Harrison Street. APPLICATION NO. 8403597. This appeal was heard on May 11, 1984. The appellant was not represented at the hearing. The Board voted 5-0 to uphold the Department and sustain the penalty. In his request for rehearing, the appellant cited illness as the reason he was not represented at the initial hearing. Upon motion of Commissioner Engmann, the Board voted 4-0 to rehear the appeal.

COMMISSIONER JACKSON ARRIVED DURING THE HEARING OF THE FOLLOWING APPEAL.

(d) APPEAL NO. 84-084

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 25, 1984, to Lincoln Property Company, permit to alter a building at 222 Kearny Street. APPLICATION NO. 82064205. On May 30, 1984, the Board voted 5-0 to uphold the Department and grant the permit. The Board continued the request for rehearing for one week in order that the Commissioners might study the material supporting the request.

(e) APPEAL NO. 84-145

FISHER DEVELOPMENT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 29, 1984, for work done at 1498 Polk Street. APPLICATION NO. 8404234. On June 6, 1984, the Board voted 4-1 to uphold the Department and sustain the penalty. There being no motion, the matter will not be reheard.

FOR THE BOARD'S APPROVAL:

Findings of Fact which were attached to the decision on 4601 - 25th Street, Appeal No. 84-091. This case was heard on May 30, 1984. At that time, the Board voted 4-1 to overrule the Department and grant the permit with stipulations. On June 6, 1984, Findings of Fact were presented to the Board for approval. The case was continued to June 27, 1984, to allow for further study of the Findings.

COMMUNICATIONS RECEIVED:

(a) Note was taken of communications received regarding Superior Court Action No. 778-958, Soper & Rapoport vs. Zoning Administrator, et al. Report of decision by Executive Director.

(b) Note was taken of communication received from Mr. Yossedek M. Desta.

THE FOLLOWING ITEMS WERE FROM THE REGULAR CALENDAR:

APPEAL NO. 84-148

MICHAEL JOY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 4, 1984, for work done at 2430 Thirty-third Avenue. PLUMBING CHARGE NOTICE NO. 25504.

Chief Building Inspector Don Lim presented the case for the Department of Public Works. The appellant spoke on his own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $8.50, plus the regular fee of $8.50, for a total of $17.00 due to the Department.

APPEAL NO. 84-143

ELLEN T. JONES, et al, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 22, 1984, to John Z. Posadas, permit to erect a structure at 33 Mars Street. APPLICATION NO. 8402869.

Chief Building Inspector Don Lim presented the case for the Department of Public Works. Mr. Sidney Shaw represented the Department of City Planning. Mr. Posadas spoke in his own behalf. Vice President Berg reported on the site inspection made by himself and Commissioner Berg. Upon motion of Vice President Berg, the Board voted 4-1, with Commissioner Jackson dissenting, to overrule the Department and deny the permit.

APPEAL NO. V84-076

JAMES R. LANDERS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on April 20, 1984, of side yard variance sought for property at 365 Dorantes Avenue.

Vice President Berg reported on a site inspection attended by himself, Commissioner Jackson and Director Pilcher. Upon motion of Vice President Berg, the Board voted 5-0 to overrule the Department and grant the variance.

APPEAL NO. 84-140

BARTLE WELLS ASSOCIATES, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on May 14, 1984, to Ming's Restaurant, permit to alter a building at 1634 Bush Street. APPLICATION NO. 840032.

Chief Building Inspector Don Lim spoke for the Department of Public Works. Lt. Charles O'Farrell represented the Fire Department. Mr. Bill Nall presented the case for the Health Department. Mr. Sidney Shaw spoke for the Department of City Planning. Mr. Don Yee represented the Plan Check Department of the Bureau of Building Inspection. Upon motion of Commissioner Engmann, the Board voted 5-0 to concur with the Department and grant the permit with the following stipulations: (1) that there be an extinguisher in the kitchen area to be approved by the Fire Department; (2) the Fire Department shall approve the hood and duct system; and (3) that the restaurant or other commercial use not extend more than fifty (50) feet back from the front wall of the building.

APPEAL NO. 84-156

ANDREW A. POLLACK, dba "CROSSROADS COMMUNITY/THE FARM," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 4, 1984, of permits for dance hall keeper and place of entertainment at 1499 Potrero Avenue.

In the hope of reaching a compromise, both parties agreed to a continuance to June 27, 1984.

APPEAL NO. 84-151

GERALD I. GANZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on June 11, 1984, of permit to alter a building at 746 Brannan Street. APPLICATION NO. 8405290.

Chief Building Inspector Don Lim represented the Department of Public Works. Lt. Charles Farrell spoke for the Fire Department. Philip Siggins, Esq., represented the District Attorney's office, and Mr. Jerry Romani appeared for the Department of Real Estate. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 84-150

L. RALPH SCOTT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 4, 1984, of permit to alter a building at 353 Arguello Boulevard. APPLICATION NO. 8313297.

Ms. Nancy Gin represented the Department of City Planning. Mr. L. Ralph Scott spoke in his own behalf. The property owner, Mr. Carl Cline supported the appellants' appeal. After lengthly testimony, the Board scheduled a site inspection for June 26, 1984. The case was continued to the hearing of June 27, 1984.

APPEAL NO. 84-153

MARIO MAZZOLENI, TOMAS COMPOLLO, AND ANTONIO VILLAGRASA, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 12, 1984, of a permit to alter a building at 2721 Hyde Street. APPLICATION NO. 8405157.

Mr. Sidney Shaw represented the Department of City Planning. Mr. Mario Mazzoleni spoke in his own behalf. Upon motion of Commissioner McCarthy, the Board voted 5-0 to overrule the Department as to the awning only, and not as to the canopy, with the stipulation that the awning not have dimensions which exceed the permissible dimensions of signs permissible in a C-1 District.

APPEAL NO. 84-144

DAVE KAPLAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on May 23, 1984, permit to alter a building at 825 Geary Street. APPLICATION NO. 8400312.

Mr. Sidney Shaw represented the Department of City Planning. Mr. Kaplan spoke in his own behalf. Mr. Ken Brown, who will install the proposed solar panels, spoke in support of the appellant. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 84-149

KATHERINE S. CAMERON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 31, 1984, to Lawrence J. Toboni, permit to demolish a building at 368 Twenty-eighth Street. APPLICATION NO. 8404498.

The appellant, Ms. Katherine S. Cameron, presented her case. Mr. Sidney Shaw spoke for the Department of City Planning. Owen O'Donnell, Esq., represented the property owner, Lawrence J. Toboni. Upon motion of President Guggenhime, the Board voted 3-2 to concur with the Department and grant the permit, with Commissioners Engmann and McCarthy dissenting.

APPEAL NO. 84-139

AUGUSTUS L. CASTRO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 15, 1984, to John Williams, permit to alter a building at 1529A Beach Street. APPLICATION NO. 8404238.

On June 20, 1984, a letter was received from the appellant notifying this office that the appeal was withdrawn.

APPEAL NO. 84-088

DR. AND MRS. NORMAN REIDER, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 4, 1984, to B. J. Orser, permit to alter a building at 3575 Clay Street. APPLICATION NO. 8400539.

Mr. Sidney Shaw represented the Department of City Planning. David P. Cincotta, Esq., spoke on behalf of the appellants, who were also present. Ms. Barbara J. Orser, the permit holder spoke in her own behalf. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and deny the permit, finding that the permit had been issued in error.

APPEAL NO. 84-147

IRIS EBER, dba "EBER ELECTRONICS," Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code dated May 22, 1984, for property at 2355 Market Street.

Mr. Sidney Shaw represented the Department of City Planning. The appellant, Ms. Eber, spoke in her own behalf. Citing unusual circumstances and a plan that was consistent with the intent of the Code, the Board voted, upon Commissioner Engmann's motion, 5-0 to overrule the Department and grant the permit.

APPEAL NO. V84-152

THERESA FORMOSA, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on May 30, 1984, to Bank of America, minimum lot area and rear yard variance sought for property at 3051/57 Twenty-fifth Street/1310 Alabama Street.

APPEAL NO. V84-152 (Cont)
Mr. Sidney Shaw represented the Department of City Planning. Mr. Charles Cline Moore, Esq., represented the appellant, who was also present. Mr. Fred Campagnoli, Esq. representing the Bank of America which was requesting the variance to facilitate the division of the property for an estate administered by Bank of America. Mr. Bruce Baumann supported the position of Mr. Campagnoli. Upon motion of President Guggenhime, the Board voted 4-1 to uphold the Departmnet and grant the variance, with Commissioner McCarthy dissenting.

There being no further business to come before the Board, President Guggenhime, adjourned the hearing at 8:20 p.m.

DATE: June 20, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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M I N U T E S

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, JUNE 27, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board os Permit Appeals was called to order by Vice President Berg at 5:30 p.m.

Present were: Vice President Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

President Guggenhime was absent from this hearing.

Also present were: Chief Building Inspector Don Lim, Department of Public Works; Mr. Sidney Shaw, Department of City Planning; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. REQUESTS FOR REHEARING:

APPEAL NO. 84-084

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on April 25, 1984, to Lincoln Property Company, permit to alter a building at 222 Kearny Street. APPLICATION NO. 83064205.

On May 30, 1984, the Board voted 5-0 to uphold the Department and grant the permit. On June 20, 1984, a request for rehearing was scheduled. The case was continued to the hearing of June 27, 1984, to allow the Commissioners time to study the material supporting the rehearing request. After discussion, Commissioner Engmann voted yes; Vice President Berg, Commissioners Jackson and McCarthy voted no. Four votes being needed for rehearing approval, the rehearing was denied.

2. ADOPTION OF FINDINGS OF FACT:

Appeal No. 84-091, 4601 - 25th Street, was heard on May 30, 1984. At that time, the Board voted 4-1 to overrule the Department and grant the permit with stipulations. On June 6, 1984, Findings of Fact were presented to the Board for approval. The case was continued to the hearing today to allow for further revision of these Findings. Upon motion of Vice President Berg, the Board voted 4-0 to approve the Findings.

THE FOLLOWING CASES WERE TAKEN OUT OF REGULAR CALENDAR ORDER:

APPEAL NO. 84-156

ANDREW A. POLLACK, dba "CROSSROADS COMMUNITY/THE FARM, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 4, 1984, of permits for dance hall keeper and place of entertainment at 1499 Potrero Avenue.

Appellant and Department agreed to a continuance in order to work out an agreement. Case continued to July 11, 1984.

APPEAL NO. 84-146

CHRIS NIACARIS, dba "L & N SALOON," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on May 25, 1984, of permits for billiard parlor and mechanical amusement devices at 4877 Mission Street.

Lawrence Wilson, Esq. represented the Police Department. He stated that delinquent fees were responsible for the permit revocation; however, these fees have now been paid. Upon motion of Vice President Berg, the Board voted 4-0 to overrule the Department and reinstate the permits.

APPEAL NO. 84-155

SAN FRANCISCO LONGSHOREMEN'S MEMORIAL ASSOCIATION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated June 4, 1984, for property at 400 North Point Street.

Jed Gladstein, Esq., attorney for the appellant, requested a continuance citing the need for additional time to prepare his case. Appeal continued to July 11, 1984.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR ORDER:

APPEAL NO. 84-150

L. RALPH SCOTT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 4, 1984, of permit to alter a building at 353 Arguello Boulevard. APPLICATION NO. 8313297.

Commissioner McCarthy reported on the results of the site inspection made by himself, Vice President Berg, and Director Pilcher. Upon motion of Commissioner McCarthy, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-135

CITY GLASS EXPRESS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on May 11, 1984, for work done at 759 Harrison Street. APPLICATION NO. 8403597.

Mr. Don Lim represented the Department of Public Works. Mr. Larry Mathews and Mr. Mansoor Safaday represented the appellant. Upon motion of Commissioner McCarthy, the Board voted 4-0 to uphold the Department and sustain the penalty.

APPEAL NO. 84-167

FRANK B. LEONARD, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 20, 1984, for work done at 1684 Market Street. APPLICATION NO. 8405944.

Mr. Don Lim represented the Department of Public Works. Mr. Frank Leonard spoke in his own behalf. Upon motion of Vice President Berg, the Board voted 4-0 to overrule the Department and reduce the penalty to $295.20, plus the regular fee of $74.80, for a total of $350.00 due to the Department.

APPEAL NO. 84-154

PATRICK TOBIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 4, 1984, of permit to alter a building at 1880 Green Street, APPLICATION NO. 8402999.

Appeal withdrawn at request of the appellant. Letter from appellant received June 29, 1984.

APPEAL NO. 84-161

WHISLER-PATRI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 15, 1984, of permit to alter a building at 1489 Folsom Street, APPLICATION NO. 8401219.

Chief Building Inspector Don Lim represented the Department of Public Works. Mr. Bernard Block represented the appellant. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department as to the smoke tower and winders with the following required: (1) full sprinklering system, (2) addition of a second egress which is not subject to smoke infiltration, (3) the existing interior stairway will be enclosed in a 1-hour fire-rated enclosure with rated doors, and (4) a dry stand-pipe will be provided in the existing stairwell.

APPEAL NO. 84-163

GEORGIA STEWART, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 7, 1984, to Busch, Bennett, Monte, permit to erect a structure at 193 Bepler Street, APPLICATION NO. 8306334.

The appellant, Ms. Georgia Stewart, spoke in her own behalf. The permit holders, Mr. Michael Monte and Mr. Don Bennett, spoke in their own behalf. Mr. Fred Tronoff, a licensed surveyor, spoke in support of the permit holder. Upon motion of Commissioner McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. V84-157

IAN BERKE, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on June 5, 1984, of condition imposed on rear yard variance sought for property at 2824 Clay Street.

Appeal No. V84-157 continued

Mr. Sidney Shaw represented the Department of City Planning. The appellant, Mr. Ian Berke, spoke in his own behalf. Mr. and Mrs. Warren Breidenback, neighbors and the appellants in V84-159, spoke in opposition to the variance. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department in the granting of the first floor variance, but overruled the Department for placing a condition on the second floor construction. The Board attached the following stipulation: that the rear building wall shall at no time in the future extend on the second floor further than 46 feet from the rear property line.

APPEAL NO. V84-159

WARREN C. AND CONSTANCE BREIDENBACK, Appellants vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on June 5, 1984, to Ian Berke, rear yard variance sought for property at 2824 Clay Street.

This appeal was heard concurrently with Appeal No. V84-157. See above.

APPEAL NO. 84-164

KATA, INC., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 6, 1984, to Orpheus International Corporation, permit to alter a building at 156 Geary Street, APPLICATION NO. 8405242.

Mr. Sidney Shaw represented the Department of City Planning. Mr. Fred Gurau, President of Kata, Inc., spoke for the appellant. Mr. Tracy Hardman spoke in support of the appeal. William Whiteman, Esq. spoke on behalf of the permit holder, Orpheus International Corporation. Upon motion of Commissioner McCarthy, the Board voted 4-0 to uphold the Department and issue the permit.

APPEAL NO. 84-165

DONALD J. SNIDER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 6, 1984, to Martin Ryan, permit to erect a structure at 2326/28 California Street, APPLICATION NO. 8401072.

Chief Building Inspector Don Lim represented the Department of PUblic Works. The appellant, Mr. Donald Snider, spoke in his own behalf. Mr. James M. Byrne represented the permit holder, Martin Ryan, who was also present. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. V84-158

FRANK A. PANACCI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on May 25, 1984, of lot size variance sought for property at 1866 Donner Avenue.

APPEAL NO. V84-158

Mr. Sidney Shaw represented the Department of City Planning. The appellant, Frank A. Panacci, spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the variance with the following stipulation: No permit to construct on either lot shall be issued unless and until the owner of each of the two newly created lots records an easement which shall grant to the other the use of the rear 35 feet of each lot as a rear yard, so as to create a common rear yard for both properties extending 35 feet in depth from the rear property line, and the building depth on each lot is to be no more than 50 feet.

APPEAL NO. V84-162

LEOPOLDO A. RUAZOL, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 7, 1984, of rear yard variance sought for property at 2694 Alemany Boulevard.

Mr. Sidney Shaw represented the Department of City Planning. The Appellant, Mr. L. Ruazol, spoke in his own behalf. Architect Richard Volland spoke in support of the appellant as did Mr. Marciso Yusi and Mr. Mario Benedeth. Mr. Ed Lucas appeared for the owner of 2699 Alemany Boulevard. The appeal was continued to July 11, 1984, with a site inspection scheduled for Monday July 9, 1984, at 5:30 p.m.

There being no further business to come before the Board, Vice President Berg adjourned the hearing at 9:55 p.m.

DATE:

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 11, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:15 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Ms. Nancy Gin and Mr. Sidney Shaw for the Department of City Planning; Lawrence Wilson, Esq. and Officer Robert Guinan for the Police Department; and Doris Levine, Official Hearing Reporter. Claire C. Pilcher, Executive Director, was absent due to hospitalization.

1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for Rehearing:

APPEAL NO. 84-149
KATHERINE S. CAMERON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 21, 1984, to Lawrence J. Toboni, permit to demolish a building at 368 Twenty-eighth Street. APPLICATION NO. 8404498. On June 20, 1984, the Board voted 3-2 (Commissioners Engmann and McCarthy dissenting) to uphold the Department and issue the permit. The request for rehearing was denied by a vote of 3-2 with Vice President Berg and Commissioner Engmann, who made the motion, voting to rehear.

APPEAL NO. V84-152
THERESA FORMOSA, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on May 30, 1984, to Bank of America, minimum lot area and rear variance sought for property at 2051/57 Twenty-fifth Street/1310 Alabama Street. On June 20, 1984, the Board voted 4-1 (Commissioner McCarthy dissenting) to uphold the Department and grant the variance. The request was denied by a vote of 3-2 with Commissioner Jackson, who made the motion, and Commissioner McCarthy voting to rehear.

APPEAL NO. 84-088
DR. AND MRS. NORMAN REIDER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on May 4, 1984, to B. J. Orser, permit to alter a building at 3575 Clay Street. APPLICATION NO. 8400539. On June 20, 1984, the Board voted 5-0 to overrule the Department and deny the permit. There being no motion, the matter will not be reheard.

APPEAL NO. 84-091

THOMAS E. McCORMACK, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing the determination of the Zoning Administrator on May 7, 1984, disapproving a building permit application for work at 4601 Twenty-fifth Street. APPLICATION NO. 8310504. NOTE: This matter was heard and decided on May 30, 1984. The Findings, which were forwarded to the Zoning Administrator for review per the Board's instructions, were ultimately revised and adopted on June 27, 1984. Per discussion several weeks ago, the request for rehearing was filed beyond the 10-day period, and the Zoning Administrator had been advised before the 10-day period had expired that any request must be filed by June 11, 1984. The Board voted to continue the matter until an opinion could be obtained as to the validity of the request for rehearing beyond the ten-day period.

APPEAL NO. 84-165

DONALD J. SNIDER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 6, 1984, to Martin Ryan, permit to erect a structure at 2326/28 California Street. APPLICATION NO. 8401072. On June 27, 1984, the Board voted 4-0 to uphold the Department and grant the permit. There being no motion, the matter will not be reheard.

THE FOLLOWING MATTERS WERE FROM THE REGULAR CALENDAR:

APPEAL NO. V84-162

LEOPOLDO A. RUAZOL, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 7, 1984, of rear yard variance sought for property at 2694 Alemany Boulevard.

Vice President Berg and Commissioner Engmann reported on the site inspection. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Zoning Administrator with the following stipulations: (1) that the rear foundation wall for the extension extends no further beyond a straight line from the rear of the property in question to the rear of the property on Alemany Street and immediately south of the property at 2694 Alemany Boulevard; (2) the rear building wall at the second story shall extend no further beyond the straight line between the edge of the current rear building wall and the rear at 2694 Alemany and at the property immediately south on Alemany Boulevard; (3) the house will remain a single family residence; and (4) only members of the owner's family and those that are related by marriage will be permitted to live in the addition and in the main house.

APPEAL NO. 84-173

FRANK AHERN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Appealing for a refund penalty for work done at 2455 Bush Street. PLUMBING CHARGE NOTICE NO. 25604.

Mr. Don Lim appeared for the Department of Public Works. The appellant, Frank Ahern, spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 3-2 to overrule the Department, with Vice-President Berg and Commissioner McCarthy dissenting. The Department was upheld and the penalty sustained.

APPEAL NO. 84-166

SOLAR PARTNERS, INCORPORATED, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Impositon of penalty on June 18, 1984, for work done at 2233 Divisadero Street. APPLICATION NO. 8405358.

Mr. Don Lim appeared for the Department of Public Works. Mr. Gunther Bahrs spoke for the appellant. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and sustain the penalty.

APPEAL NO. 84-160

W. M. LANGHART, Appellant vs. DEPT. PUBLIC WORKS, Respondent

This case was continued to July 18, 1984, to allow the appellant to file a second appeal to address all the matters that he wished to bring before the Board.

APPEAL NO. 84-171

NALLIP OMRAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 26, 1984, for work done at 2233 Divisadero Street. APPLICATION NO. 8305358.

Mr. Don Lim spoke for the Department of Public Works. Mr. Omran, the appellant, spoke in his own behalf. Upon motion of Vice President Berg, the Board voted 5-0 to overrule the Department and reduce the penalty to $74.80, plus the regular fee of $74.80, for a total of $149.60 due to the Department.

APPEAL NO. 84-170

WENDELL CORDES FARR, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 15, 1984, of permit to operate a taxicab.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the appellant's character and background indicated that he did not have the qualifications necessary to be the owner/operator of a taxicab. The appellant, Mr. Farr, spoke in his own behalf. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 84-156

ANDREW A. POLLACK, dba "CROSSROADS COMMUNITY/THE FARM," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 4, 1984, of permits for dance hall keeper and place of entertainment at 1499 Potrero Avenue.

Lawrence Wilson, Esq. and Officer Bob Guinan appeared for the Police Department. Andrew A. Pollack, the appellant, spoke in his own behalf and was supported by Mr. Rhodes Hileman, Mary Devore and Stephen Cashner. Mr. Jack Davis, President of the Farm Board of Directors, spoke in support of the appeal. The Board did not rule at this hearing; however, they outlined the stipulations that they would attach to the granting of the permit. President Guggenhime asked Mr. Lawrence to 'firm up'

APPEAL NO. 84-156 (Cont)

the stipulations by working out a viable arrangement with the appellant and to report back to the Board on August 8, 1984. At that time, the Board will vote without hearing further testimony.

APPEAL NO. 84-176

JEFFREY ZHANG, Appellant vs. DEPT. PUBLIC WORK, Respondent

Denial on July 2, 1984, of permit to alter a building at 160-21st Avenue. APPLICATION NO. 8406451.

Mr. Don Lim represented the Department of Public Works. He advised that the proposed construction did not allow for a 7'6" ceiling. The appellant, Jeffrey Zhang, stated that he was building a storage room, and the ceiling height would be 7'2". Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 84-172

MISSION HOUSING DEVELOPMENT CORPORATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 27, 1984, of permit to alter a building at 25 Woodward Street. APPLICATION NO. 8406218.

Mr. Don Lim spoke for the Department of Public Works. Mr. Perry Winston appeared for the Mission Housing Development Corporation. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department with the following Stipulations: (1) the first floor kitchen is to be extended to an overall size of 190 square feet; and (2) the kitchens on all three floors are to be redesigned so that the stove burners are accessible to more than one person at a time.

APPEAL NO. 84-174

JOHN W. AND MARGOT P. DOSS, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 28, 1984, to C. M. and Roma M. Peletz, permit to alter a building at 1325 - 1327 Greenwich Street. APPLICATION NO. 8404139.

President Guggenhime disqualified himself due to a conflict of interest. Mr. Don Lim represented the Department of Public Works. Mr. Sidney Shaw spoke for the Department of City Planning. Mrs. Doss spoke in her own behalf. The permit holder, C. M. Peletz, presented his case. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department with the stipulation that all the fences in the proposed garden are to be redesigned to conform to the Building Code.

APPEAL NO. 84-168

DR. BERNARD L. MANDER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 12, 1984, to Lincoln Properties, a permit to demolish a building at 220 Kearny Street. APPLICATION NO. 8404602.

APPEAL NO. 84-168 (Cont)

Mr. Don Lim represented the Department of Public Works. David Rudy, Esq. represented the appellant, Dr. Mander, who spoke in his own behalf. Pamela Duffy, Esq. represented the permit holder. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department with the following stipulations: (1) that the building be vacant at the time of demolition; (2) that adequate measures be taken to protect the safety of the tenants at 154 Sutter Street as outlined by the Board of Permit Appeals during demolition; (3) the tenants of 154 Sutter Street are to be notified one day prior to demolition; and (4) with the finding that this permit gives no authority for work other than that at 220 Kearny Street.

APPEAL NO. 84-169

DOUGLAS AND MARTA PAGE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 14, 1984, to Robert L. Katz, a permit to alter a building at 348/56 Greenwich Street. APPLICATION NO. 8402873.

In a letter dated July 6, 1984, Gary J. Near, Esq., the appellant's attorney, advised that he had been authorized to withdraw the appeal. No reason for the action was noted.

APPEAL NO. 84-175

DAW AYE CHO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 21, 1984, to Julia Wong, permit to alter a building at 1846 - 31st Avenue. APPLICATION NO. 8403372.

In a letter dated July 10, 1984, the appellant advised the Board that she was withdrawing her appeal as the interested parties had resolved their differences.

APPEAL NO. 84-155

SAN FRANCISCO BAY AREA LONGSHOREMEN'S MEMORIAL ASSOCIATION, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated June 4, 1984, for property at 400 North Point Street.

Ms. Nancy Gin represented the Department of City Planning. Mr. Howard Lazar, representing the Arts Commission, also spoke in support of the Department. Jed Gladstein, Esq., represented the appellants. The following spoke in support of the appeal: Mr. Willie Zen, secretary of the Longshoremen's Memorial Association; Mr. John Carrol, an artist; and Ms. Susan Barreto, a member of the Fisherman's Wharf Merchant's Association. Upon motion of President Guggenhime, the Board voted 4-1, with Commissioner Engmann dissenting, to overrule the Department.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 10:15 p.m.

DATE: July 11, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

SPECIAL MEETING OF THE BOARD

APPEAL NO. V84-162

SITE INSPECTION, Monday, July 9, 1984, at 5:20 p.m., 2694 Alemany Boulevard. Vice President Berg, Commissioners McCarthy and Engmann, and Executive Director Pilcher were present, as was Sidney Shaw and the appellant.

Claire C. Pilcher, Executive Director

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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, JULY 18, 1984
2:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 2:10 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Commissioner Mattie Jackson was absent.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Ms. Nancy Gin for the Department of City Planning; Lawrence Wilson, Esq. for the Police Department; and Doris Levine, Official Hearing Reporter. Executive Director Pilcher was absent due to hospitalization.

) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

1. REQUESTS FOR REHEARING:

APPEAL NO. 84-161

WHISLER-PATRI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on June 15, 1984, of permit to alter a building at 1489 Folsom Street. APPLICATION NO. 840219. On June 27, 1984, the Board voted 4-0 to overrule the Department with stipulations. There being no motion, the matter will not be reheard.

2. REQUEST THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY APPEAL PERIOD

Letter from Tim Fong regarding imposition of penalty for work done at 855-26th Avenue. Appellant stated that he was unaware of the ten-day appeal period. Upon motion of President Guggenhime, the Board voted 4-0 to accept jurisdiction.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR

APPEAL NO. 84-179

GEORGE D. BENNETT, dba "THE HOLE IN THE WALL," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on July 2, 1984, of State second hand dealer's permit at 3030 San Bruno Avenue.

Lawrence Wilson, Esq., representing the Police Department, cited a past criminal history as the Departments reason for denying the appellant a permit. The appellant spoke in his own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and issue the permit with the stipulation that the appellant keep detailed records of all purchases and sales of both motors and frames.

APPEAL NO. 84-178

LEOPOLDO MAYEN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on July 6, 1984, for work done at 2092 Mission Street. APPLICATION NO. 8406341.

Mr. Don Lim represented the Department of Public Works. Mr. Mayen, the appellant, stated that he was unaware of the requirement for a permit. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and reduce the penalty to $31.45, plus the regular fee of $31.45, for a total of $62.90 due to the Department.

APPEAL NO. 84-182

J.M.A. CONSTRUCTION CO., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on July 10, 1984, for work done at 1600 Bryant Street. APPLICATION NO. 8406651.

Mr. Don Lim represented the Department of Public Works. Mr. Jamil Abu-hamden, the appellant, stated that he was unaware that the type of construction work he was doing required a permit. Upon motion of Commissioner Engmann, the Board voted 4-0 to reduce the penalty to two-thousand dollers.

THE NEXT APPEAL WAS HEARD OUT OF REGULAR CALENDAR ORDER:

APPEAL NO. 84-183

W.M. LANGHART, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 5, 1984, permit to alter a building at 352 Cumberland Street. APPLICATION NO. 8304230.

Prior to hearing this appeal, Vice President Berg noted that he had represented the appellant at one time, thus creating a possible conflict of interest. The Board decided that there was not a conflict. Ms. Nancy Gin of the City Planning Department explained that the reason for the Department's denial of the permit was the construction of a fence violated provisions of Section 308.2 (c), City Planning Code. Mr. Langhart, the appellant, used pictures to support his position that the fence in question was unobtrusive and did not detract from the appearance of the house. He presented a petition signed by neighbors in support of his position. Upon motion of Vice President Berg, the Board voted 4-0 to overrule the Department and grant the permit.

THE FOLLOWING APPEAL IS IN REGULAR CALENDAR ORDER:

APPEAL NO. 84-160

W.M. LANGHART, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on June 5, 1984, for work done at 352 Cumberland Street. APPLICATION NO. 8304230.

Mr. Don Lim represented the Department of Public Works. The appellant, Mr. Langhart, advised the Board that he was unaware of the permit requirements. Upon motion of Commissioner McCarthy, the Board voted 4-0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total of $91.80 due to the Department

APPEAL NO. 84-177

RICHARD E. VOLLAND, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 5, 1984, permit to alter a building at 499 Hoffman Avenue. APPLICATION NO. 8411964.

Ms. Nancy Gin represented the Department of City Planning. Mr. Volland, the appellant, advised the Board that he was seeking relief to build upon an existing wall that extends into the required rear yard. Prior to the Board's decision, they noted to the appellant that a request for a variance might be the more appropriate way to address his problem. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-181

TIMOHIRO YAMADA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 10, 1984, of permit to erect a sign at 270 Sutter Street. APPLICATION NO. 8310605.

On July 14, 1984, the appellant advised the Board that he wished to withdraw his appeal.

APPEAL NO. 84-184

JOHNIE L. PERRY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 11, 1984, permit to alter a building at 544/46 Central Avenue. APPLICATION NO. 8303930.

Prior to the hearing, the Board advised the appellant to secure documentation to support his claim as presented in his appeal. The case was continued to August 8, 1984.

APPEAL NO. 84-068

FRANK AND VERONICA ZOUL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on June 29, 1984, to James B. Wempe, permit to alter a building at 292 Dalewood Way. APPLICATION NO. 8311495.

The appellant, Mr. and Mrs. Zoul, advised the Board that the proposed construction would block their light and decrease the value of their property. The permit holder, Mr. Wempe, presented his case to the Board. Mr. Don Lim from the Department of Public Works advised the Board that the proposed construction was according to Code, and that the appropriate permits had been taken out. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 84-180

DENNIS G. DAY. APPELLANT vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 29, 1984, to Katherine Cole, permit to alter a building at 4335 Army Street. APPLICATION NO. 8404536.

Mr. Don Lim represented the Department of Public Works. The appellant, Mr. Day, spoke in his own behalf. Michael Ohleyer, Esq. represented the permit holder. Architect John I. Mathias also spoke in support of Ms. Cole, the permit holder. The Board scheduled a site inspection for Tuesday, August 7, 1984, at 5:30 p.m. The appeal will be scheduled for further hearing on August 8, 1984. There will be no further testimony taken at that time.

DATE: July 18, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Direcotor

BOARD OF PERMIT APPEALS
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 8, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:07 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann

Commissioner McCarthy was on vacation.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Ms. Nancy Gin for the Department of City Planning; Lawrence Wilson, Esq., and Officer Robert Guinan for the Police Department; and Doris Levine, Official Hearing Reporter.

Executive Director Claire C. Pilcher is convalescing from surgery.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

1. Requests for Rehearing:

APPEAL NO. 84-160

SAN FRANCISCO BAY AREA LONGSHOREMEN'S MEMORIAL ASSOCIATION, Appellant vs. SAN FRANCISCO ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated June 4, 1984, for property at 400 North Point Street. On July 11, 1984, upon motion of President Guggenhime, the Board had voted 4-1 to overrule the Department, with Commissioner Engmann dissenting. There being no motion, the matter will not be reheard.

APPEAL NO. 84-160

W. M. LANGHART, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on June 5, 1984, of permit to alter a building at 352 Cumberland Street. On July 18, 1984, upon motion of Vice President Berg, the Board had voted 4-0 to overrule the Department and grant the permit. There being no motion, the matter will not be reheard.

APPEAL NO. V84-162

LEOPOLDO A. RUAZOL, JR., Appellant vs. SAN FRANCISCO ZONING ADMINISTRATOR, Respondent

Denial on June 7, 1984, of rear yard variance sought for property at 2694 Alemany Boulevard. On July 11, 1984, upon motion of Commissioner Engmann, the Board had voted 4-0 to overrule the Zoning Administrator with stipulations. There being no motion, the matter will not be reheard.

2. Request that the Board take jurisdiction beyond the 10-day appeal period.

Letter from Siavash Tahbazof regarding penalty for work done at 2603 - 23rd Street. The property owner states that he was unaware of the 10-day appeal period. He also stated that he was out of town when the notice arrived. Upon motion of Commissioner Jackson, the Board voted 4-0 to take jurisdiction.

THE NEXT MATTERS TO BE HEARD WERE TAKEN FROM THE REGULAR CALENDAR:

APPEAL NO. 84-156

ANDREW A. POLLACK, dba "CROSSROADS COMMUNITY/THE FARM," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on June 4, 1984, of permits for dance hall keeper and place of entertainment at 1499 Potrero Avenue.

Lawrence Wilson, Esq. and Officer Guinan represented the Police Department. Mr. Pollack, the appellant, appeared in his own behalf. This case was last heard on July 11th, when the Board asked the two sides to 'firm up' the stipulations that would be attached to the Board's granting of a permit to the appellant. There was a brief discussion of the proposed stipulations. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit with the following stipulations: (1) the permit will be granted only after approvals from all concerned City agencies, other than the Health Department, have been obtained; however, in the event the approval of the Health Department has not been obtained, the kitchen facilities cannot be used; (2) noise must be kept reasonably confined to the building and in no case may exceed the standards of Article 29 of the Municipal Police Code; (3) the permit holder must inform, in writing, lessees of the premises of the need to obtain a one-day dance permit and that the application for that permit must be made 14 days prior to the event; (4) the permit holder must inform the district station permit officer of all events to be held under these permits two weeks in advance of the date of the event; (5) lessees must have one uniformed security guard at all events and, at any event extending past 8:00 p.m., two uniformed security guards. This requirement may be modified by the Captain of Mission Station; (6) no event is to continue past 1:00 a.m.; (7) the capacity of the premises, 299, shall not be exceeded at any time; (8) no alcohol will be served at events where attendance will be primarily by those under 25 years of age; and (9) the permit shall expire one year from the date of issuance. A new application must be made in sufficient time to allow the new permit to be processed before the expriation date of this permit.

APPEAL NO. 84-180

DENNIS G. DAY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 28, 1984, to Katherine Cole, of permit to alter a building at 4335 Army Street. APPLICATION NO. 8404536.

Vice President Berg reported on the site inspection. Michael L. Ohleyer, Esq., attorney for the permit holder, and Mr. Dennis Day, the appellant, responded to questions from the Board. The two sides indicated that a compromise might be possible. The Board continued the case to August 15, 1984, to give the parties time to reach an agreement.

APPEAL NO. 84-190

TIM FONG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on July 19, 1984, for work done at 855 Twenty-sixth Avenue. APPLICATION NO. 8405718.

Chief Building Inspector Don Lim represented the Department of Public Works. Mr. Tim Fong, the appellant, stated to the Board that he thought the assessed penalty was excessive. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and reduce the penalty to $452.95, plus the regular fee of $147.05, for a total of $600.00 due to the Department.

APPEAL NO. 84-185

IRENE YARBROUGH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on July 11, 1984, for work done at 2072 Ellis Street. APPLICATION NO. 8404267.

Chief Building Inspector Don Lim represented the Department of Public Works. Mrs. Yarbrough, the appellant, stated that a licensed contractor had worked on her house. She assumed that the permit had been taken out. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and reduce the penalty to $60.35, plus the regular fee of $60.35, for a total of $120.70 due to the Department.

APPEAL NO. 84-188

NORMA P. BUSTOS, Appellant vs. DEPT. PUBLIC WORKS, Respondent (FIRE DEPARTMENT)

Denial on July 14, 1984, of permit to alter a building at 2685/87 San Jose Avenue. APPLICATION NO. 8402344.

Prior to the hearing, the appellant and the Department agreed to a continuance to allow more time to prepare the case.

APPEAL NO. 84-193

KRIS HOVIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING DISAPPROVAL

Denial on July 26, 1984, of permit to erect a sign at 84 Geary Street. APPLICATION NO. 8406244.

Ms. Nancy Gin represented the Department of City Planning. Mr. Ira Freydkis, representing an adjoining tenant, spoke in support of the Department. Mr. Barry Hovis represented the appellant. He stated that the Department's denial of the permit to put a sign on the existing awning was unfair and constituted selective enforcement of a City ordinance. The Board's discussion touched on possible legislative remedies to the apparent inequities of the sign and awning ordinance. Upon motion of Commissioner Engmann, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-195

JULIA CARRARA, et al, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 17, 1984, to Richard W. Jue and Gim J. Ong, of permit to demolish a building at 149 Parker Avenue. APPLICATION NO. 8407107.

APPEAL NO. 84-195 (Continued)

Mr. Don Lim represented the Department of Public Works. Ms. Dina Kowaloski represented the appellant and was supported by Mr. Tony Eglin who represented adjacent neighbors, Mr. and Mrs. Amino. Their concern was that the new building would contain more than two units and that the building would eliminate their source of light. Mr. Clifford J. Liehe, a neighbor, cited the loss of trees that the demolition would cause. Mr. Kenneth Jue represented the appellant, Mr. Gim Ong. The Board felt that the building permit should be further along administrative channels before it could rule on the demolition permit. The permit holder agreed, and the case was continued to August 29, 1984.

APPEAL NO. 84-187

LORE A. DAVIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 6, 1984, to Mr. and Mrs. Albert Schneider, permit to alter a building at 38 Hancock Street. APPLICATION NO. 8403314.

The appellant and the permit holder were both present; however, the Board requested that before hearing the appeal they wanted Mr. Lim of the Department of Public Works Works and Ms. Nancy Gin of the Department of City Planning to inspect the property. The case was continued to August 15, 1984.

APPEAL NO. 84-189

ST. FRANCIS HOME ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 14, 1984, to C. Yabut, permit to alter a building at 501 St. Francis Boulevard. APPLICATION NO. 8403461.

Prior to the hearing, this case was continued to August 15, 1984, to facilitate an inspection of the premises by Ms. Nancy Gin of the Department of City Planning and Mr. Don Lim of the Department of Public Works.

APPEAL NO. 84-191

MRS. VENETIA D. VENTRESS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 14, 1984, to John C. and Anita Scott, permit to alter a building at 481 Dellbrook Avenue. APPLICATION NO. 8404179.

Ms. Nancy Gin spoke on behalf of City Planning. The appellant, Mrs. Venetia Ventress, advised the Board that the proposed construction would be an unauthorized extension of an existing deck on the permit holder's house. She stated that she would suffer a serious loss of privacy and a decline in the value of her property. Mr. John Scott, the permit holder, spoke in his own behalf. Mr. Don Lim, representing the Department of Public Works, advised the Board that the construction conformed to the requirements of the Building Code. Upon motion of President Guggenhime, the Board voted 4-0 to concur with the Department and grant the permit with the stipulation that the permit holder not cut the trees on his property that shield the appellant's house unless such trees should become unhealthy.

APPEAL NO. 84-196

HAROLD SHAIN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 31, 1984, to Michael Miller Co., permit to demolish a building at 2055 Market Street. APPLICATION NO. 8407927.

On August 7, 1984, the appellant notified this office that he was withdrawing his appeal.

APPEAL NO. 84-186

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 2, 1984, to Allstate Excavating and Demolition, permit to demolish a building at 515 Howard Street. APPLICATION NO. 8403898.

President Guggenhime advised the Board that he had a conflict of interest in this case that would prevent his hearing the matter. Without his vote, there would not be a quorum. Therefore, the case was continued to August 15, 1984.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:04 p.m.

DATE: August 8, 1984

Richard J. Guggenhime, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

SPECIAL MEETING OF THE BOARD

APPEAL NO. 84-180

SITE INSPECTION, TUESDAY, AUGUST 7, 1984, 5:30 p.m., 4335 Army Street, attended by Vice President Berg.

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, AUGUST 15, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:07.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Commissioner Jackson arrived at 5:27 p.m.

Also present were: Mr. Bob Kelley for the Department of Public Works; Lawrence Wilson, Esq. for the Police Department; Ms. Nancy Gin for the Department of City Planning; Lt. Charles Farrell representing the Fire Department; and Doris Levine, Official Hearing Reporter. Executive Director Claire C. Pilcher was at home recovering from surgery.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

REQUESTS THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY PERIOD

Re: Demolition Permit No. 8406487, former Cogswell College Building, 3000 Folsom Street. Mr. E. Perry Winston advised that the permit was issued on July 13, 1984. He stated that he was not notified by the Central Permit Bureau of the issuance of the permit as he had requested. Upon motion of Commissioner Engmann, the Board voted 4-0 to take Jurisdiction.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. 84-180

DENNIS G. DAY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on June 28, 1984, to Katherine Cole, of permit to alter a building at 4335 Army Street. APPLICATION NO. 8404536.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Ms. Nancy Gin appeared for the Department of City Planning. The appellant, Mr. Day, spoke in his own behalf. Michael Ohleyer, Esq. represented the permit holder. Architect John I. Mathias also spoke in support of Ms. Cole, the permit holder. Mr. Ohleyer outlined to the Board a compromise on the proposed building plans. Mr. Day stated that the compromise was not adequate. upon motion of Vice President Berg, the Board voted 4-1 to uphold the Department and grant the permit, with the stipulation that the greenhouse not be built. Commissioner McCarthy cast his vote to concur with the Department.

APPEAL NO. 84-189

ST FRANCIS HOMES ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 14, 1984, to C. Yabut, permit to alter a building at 501 St. Francis Boulevard, APPLICATION NO. 8403461.

President Guggenhime informed the Board that the case was to be continued until further notice. The appellant will explore the possibility of application for a variance as a means of solving his problem.

APPEAL NO. 84-194

EDWARD J. AND PAMELA S. WEBSTER vs. POLICE DEPARTMENT, Respondent
dba "QUALITY BUY AND SELL," Appellant

Denial on July 16, 1984, of Second Hand Dealer-State permit at 2138 Mission Street.

Lawrence Wilson, Esq., representing the Police Department, advised the Board that the California Department of Justice had refused to issue a Secondhand Dealer's license to the appellant because of a criminal conviction for a related offense. The appellant was represented by Fred F. Cooper, Esq., who presented evidence to the Board that his clients were capable and competent individuals who could comply with the requirements of the requested permit. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and issue the permit.

APPEAL NO. 84-188

NORMA P. BUSTOS, APPELLANT vs. DEPT. PUBLIC WORKS, Respondent
(FIRE DEPARTMENT)

Denial on July 14, 1984, of permit to alter a building at 2685/87 San Jose Avenue. APPLICATION NO. 8402344.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Lt. Charles Farrell represented the Fire Department. The intent of the appeal was to seek relief from the required corridor width of 44" and the installation of 5/8 inch sheetrock. Mr. and Mrs. Bustos spoke in their own behalf. Upon motion of President Guggenhime, the Board, by a vote of 5-0, overruled the Department and ordered the granting of the permit provided that the appellant comply with all the Code requirements with the following stipulations: (1) the corridor need not be widened to 44 inches, but may remain at a width of 38 inches; and (2) 5/8 inch sheetrock need not be installed.

APPEAL NO. 84-201

JOHNNY FABIANI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 8, 1984, for work done at 3100 Eighteenth Street. APPLICATION NO. 8405989.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Mr. Johnny Fabiani, the appellant, advised the Board that he was unaware of the permit requirements for the work done on his property. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reduce the penalty to $732.55, plus the regular fee of $732.55, for a total of $1,465.10 due to the Department.

APPEAL NO. 84-198

RAMM'S HOME FURNISHINGS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on July 31, 1984, for work done at 2301 Mission Street, Second Fllor. APPLICATION NO. 8405989.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Mr. Michael J. Kissinger, a contractor, represented the appellant. He advised the Board that the appellant had believed that the necessary permits had been taken out. Upon motion by Commissioner Engmann, the Board voted 5-0 to overrule the Department and reduce the penalty to $811.10, plus the regular fee of $405.55, for a total of $1,216.65 due to the Department.

APPEAL NO. 84-186

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 3, 1984, to Allstate Excavating and Demolition, permit to demolish a building at 515 Howard Street. APPLICATION NO. 8403893.

President Guggenhime asked the Board to disqualify him from hearing this appeal as he had a conflict of interest. Upon motion of Commissioner Jackson, the Board voted 4-0 to excuse President Guggenhime. Sue Hestor, Esq. represented the appellant. She advised the Board that work had been done without permit and that the proposed use of the property was inconsistent with the Master Plan. The permit holder was represented by Mr. Thomas Barnes and Mr. Leonard Kingsley. Upon motion of Commissioner McCarthy, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 84-187

LORE A. DAVIS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 6, 1984, to Mr. and Mrs. Albert Schneider, permit to alter a building at 38 Hancock Street. APPLICATION NO. 8403314.

Chief Building Inspector Bob Kelley represented the Department of Public Works. Ms. Nancy Gin, appearing for the Department of City Planning, stated that the proposed building alterations complied with the provisions of the Code. Mr. Victor Brown represented the appellant, Ms. Lore A. Davis. He voiced her concern that the proposed construction would not only constitute an overuse of the property, but it would result in years of construction noises. The permit holders, Mr. and Mrs. Albert Schneider, responded to the Board's questions Upon motion of President Guggenhime, the Board voted 5-0 to concur with the Department and grant the permit, with the stipulation that work on the project be limited to the hours from 8 a.m. to 7 p.m., Monday thru Friday.

APPEAL NO. 84-184

JOHNIE L. PERRY, Appellant vs. DEPT PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 11, 1984, permit to alter a building at 544/46 Central Avenue. APPLICATION NO. 830930

Prior to the hearing, the appellant had been advised that a variance request might be the solution to his problem. President Guggenhime continued the case indefinitely.

APPEAL NO. 84-197

BEBSON CHEW, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 3, 1984, of permit to erect a sign at 895 Bush Street. APPLICATION NO. 8310090.

Ms. Nancy Gin appeared for the Department of City Planning. She advised that the permit for the sign was denied as the Code did not allow new signs to be erected in that area. The appellant, Mr. chew, stated that the old sign had been damaged, thus creating a need for a new sign. President Guggenhime continued the case so that he could contact the appellant's landlord to see if an alternative area of the building could be used for a sign. Case continued to August 29, 1984.

APPEAL NO. V84-199

RICHARD A. SUAREZ, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on July 24, 1984, of rear yard variance for property at 3252 Sixteenth Street.

Prior to the hearing this case was continued at the request of the Department of City Planning. Prior to the hearing, the Board scheduled a site inspection for Tuesday, August 28, 1984, at 5:30 p.m. Case continued to September 12, 1984.

There being no further business to come before the Board, the hearing was adjourned at 6:31 p.m.

DATE: August 15, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS,
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, AUGUST 29, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:09 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert McCarthy

Commissioner Jackson arrived at 5:14 p.m.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq. for the Police Department; Mr. Robert Passmore for the Department of City Planning; and Doris Levine, Official Hearing Reporter. Executive Director Claire C. Pilcher was at home recovering from surgery.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

REQUESTS THAT THE BOARD TAKE JURISDICTION BEYOND THE TEN-DAY PERIOD:

1. Letter from Randall M. Shaw, Esq., regarding 17 Powell Street (Powell Street Hotel) and proposal by new owners to operate a bar in the lobby of the hotel. Mr. Shaw states that the date on the public notice was in error, thus appeal was not filed in a timely manner. THe Board asked that Chief Building Inspector Don Lim clarify the question of the proper date on the public notice. The Board will rule on this matter on September 12, 1984.

2. Letter from Ms. Linda L. Loskutoff regarding 1072 DeHaro Street, stating that the date on the public notice was in error, thus appeal was not filed in a timely manner. Upon motion of Commissioner Engmann, the Board voted 4-0 to take jurisdiction.

THE NEXT MATTERS WERE TAKEN FROM THE REGULAR CALENDAR

APPEAL NO. 84-195

JULIA CARRARA, et al, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 17, 1984, to Richard W. Jue and Gim J. Ong of permit to demolish a building at 149 Parker Avenue. APPLICATION NO. 8407107.

This case was continued from the hearing of August 8, 1984. The case was continued at that time as the Board felt that the Building Permit should be further along administrative channels before it could rule on the demolition permit. Mr. Robert Passmore represented the Department of City Planning and advised the Board that, unfortunately, his department had approved the issuance of the building permit, and that it had been issued on August 15, 1984. The Board moved on two parts of the matter. Upon motion of President Guggenhime, the Board voted 4-1 to uphold the Department and grant the demolition, with Commissioner Engmann dissenting. In regard to the building permit, the Board

outlined two courses of action; (1) they proposed to write a letter to the Planning Department asking them to take discretionary review over the building permit, with a copy of this letter being sent to the City Attorney, and (2) suggested to the appellant that she file against the building permit issued on the 15th of August. In the event the appeal is untimely, the Board will entertain a request to take jurisdiction beyond the 10-day period.

THE NEXT MATTERS TO BE HEARD WERE FROM THE REGULAR CALENDAR

APPEAL NO. 84-197

BENSON CHEW, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 3, 1984, of permit to erect a sign at 895 Bush Street. APPLICATION NO. 8310090.

This case was continued from the hearing of August 15, 1984. The continuance was made in order that President Guggenhime could contact the appellant's landlord to see if alternative areas of the building could be used for a sign. President Guggenhime advised the appellant, Mr Chew, that his landlord was agreeable to his using alternate areas of his building for a sign. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the department and deny the permit.

APPEAL NO. 84-208

SIAVASH TAHBAZOF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 13, 1984, for work done at 2603-23rd Street. PLUMBING CHARGE NOTICE NO. 25593.

Chief Building Inspector Don Lim spoke for the Department of Public Works. He advised the Board that the penalty was levied because the appellant had done extensive plumbing work without the benefit of permit. The appellant, Mr. Tahbazof, stated thae he was unaware of the permit requirements. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the department and reduce the penalty to $101.10, plus the regular fee of $101.10, for a total of $202.20 due to the department.

APPEAL NO. 84-213

STEVEN R. BEHN, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 7, 1984, mobile caterer additional stop permit at 1453 Mission Street.

Lawrence Wilson, Esq. represented the Police Department. He stated that the Department felt there were enough eating establishments in the area to serve the eating needs of the people. The appellant, Mr. Behn, told the Board that his stop would be on the property of the school and not on a public street. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit with the stipulations that: (1) the stop be made on the private property of the college and (2) the hours of service would be from 10:30 a.m. to 11:30 a.m.

APPEAL NO. 84-205

FRANCISCO J. SOLORIO, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 3, 1984, of permit to own/operate a taxicab.

Lawrence Wilson, Esq. represented the Police Department. He asked that the case be continued until the next meeting as all the records of the case had not been forwarded

to the Commissioners. He stated that the appellant was agreeable to this delay. The Board continued the case to the hearing on September 12, 1984.

FOR RECONSIDERATION OF JURISDICTION, REQUESTED BY THE DEPARTMENT OF PUBLIC WORKS

APPEAL NO. 84-210

MISSION COMMUNITY COALITION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 14, 1984, to Gaehwiler Construction Company, permit to demolish a building at 3000 Folsom Street. APPLICATION NO. 8406587.

On August 15, 1984, the Board granted jurisdiction beyond the 10-day period. This decision was based on the appellant's statement that he had requested the permit section to notify him if a demolition permit was issued on this property and that this had not been done. Mr. Don Lim for the Bureau of Building Inspection asked the Board to reconsider their decision based on the information that the appellant had not asked to be notified of the issuance of the demolition permit. President Guggenhime moved and the Board approved by a vote of 5-0 to rescind the decision to take jurisdiction in this matter. The appeal will not be heard.

APPEAL NO. 84-207

BARBARA O'SHEA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 6, 1984, to William E. Kales, permit to alter a building at 2634 Broderick Street. APPLICATION NO. 8408207.

The appellant, Barbara O'Shea, spoke in her own behalf. She characterized the planned construction as being essentially a "spite" fence. The permit holder was represented by architect Ron Wallace. He advised the Board that his clients felt that the construction proposed by Ms. O'Shea entered into their privacy. The Board scheduled a site inspection for Tuesday, September 18, 1984, at 5:30 p.m. The case was continued to September 19, 1984.

APPEAL NO. 84-211

WILLIAM R. AND NANCY E. KALES, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 6, 1984, to Barbara O'Shea, permit to alter a building at 2628 Broderick Street. APPLICATION NO. 8407656.

This appeal was heard concurrently with Appeal No. 84-207. Mr. Don Lim represented the Department of Public Works. he advised the Board that the proposed construction met Code requirements. Mr. Ron Wallace, an architect, represented the Kales, who responded to questions of the Board. The appellants maintain that the proposed construction would destroy the privacy of their property. Mrs. O'Shea spoke in her own behalf and was supported by Mr. Jim Maddox, her contractor. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the department and grant the permit.

APPEAL NO. 84-214

MARSTON A. SCHULTZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 10, 1984, to Sacred Heart Parish, permit to alter a building at 668 Oak Street. APPLICATION NO. 8401816.

Mr. Schultz advised the Board that the project as envisioned by the permit holder would be detrimental to his property. He stated that several issues he had brought to the attention of the permit holder had not been satisfactorily resolved. Fr. Vincent Ring, of Sacred Heart Parish, the permit holder, responded to the appellant. He was supported by Mr. John Minton, and T. T. Fitz Gerald, an engineer. Upon motion of Commissioner McCarthy, the Board voted 5-0 to uphold the Department and issue the permit with the stipulation that the plans numbered 8409108 that provide for moving the wall back two feet

be incorporated into the new plans.

APPEAL NO. 84-215

DR. R.L.RUBEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 7, 1984, to Mission Market Mall, permit to alter a building at 2590 Mission Street. APPLICATION NO. 8406168.

The appellant, Dr. Rubel, stated that the installation of a canopy at the above address blocked the view of his business sign. The permit holder was not represented. Mr. Robert Passmore of City Planning advised the Board that the canopy in question was legal and built according to Code. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit.

APPEAL NO. 84-215

NORMA EDMONDSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 16, 1984, to Ronald Katz, permit to erect a structure at 171 Twin Peaks Boulevard. APPLICATION NO. 8403384.

Prior to the hearing, by mutual consent, the case was continued to September 19, 1984.

APPEAL NO. 84-209

FLYNN AMOS COMPANY, INCORPORATED, Appellant vs. DEPT. PUBLIC WORKS, respondent
CITY PLANNING DISAPPROVAL

Denial on August 3, 1984, of permit to alter a building at 2852 Mission Street, APPLICATION NO. 8403049.

Mr. Robert Passmore represented the Department of City Planning. He advised the Board that the Planning Commission believed that the purposes for the Location and Development Guidelines for Fast-Food facilities, Convenience Stores and similar Quick-Stop Establishments were not met by the proposed use. Mr. Don Flynn, the permit holder, spoke in his own behalf. He was supported by Mr. Dick Finney of the California Housing Finance Agency and Mr. C. Mackey Salazar. Mr. Greg Holsman, a real estate broker, also spoke in support of the appellant. Upon motion of Commissioner McCarthy, the Board voted 3-2 to overrule the Department with Commissioners Engmann and Jackson dissenting. The Department was upheld.

APPEAL NO. 84-212

PACIFICO V. AND MACARIA Y. NORONA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 14, 1984, of permit to alter a building at 76 Waterville Street. APPLICATION NO. 8403079.

Mr. Robert Passmore represented the Department of City Planning. He advised the Board that this building was located in a RH-1 zone. It had a second dwelling unit that was built without permit. He stated that the area had never been zoned for other than one-family dwellings. The appellants asked that the Board approve the second unit in their building. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit.

APPEAL NO. 84-203

JULIO BERROTERAN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated August 1, 1984, for property located at 570-572 Naples Street.

Mr. Robert Passmore represented the Department of City Planning. He advised the Board that this building was located in an RH-1 zone. It had a second dwelling unit. He stated that the area had never been zoned for other than one-family dwellings. The appellants asked that the Board approve the second dwelling unit in the building. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit. Following the decision, President Guggenhime told the appellant that he would have Chief Building Inspector Don Lim inspect the property before the 10-day rehearing period was over to confirm that the building was as represented by the Department of City Planning.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 8:00.

DATE: August 29, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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CITY HALL
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MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 12, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:09 p.m.

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Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Douglas J. Engmann
Commissioner Robert McCarthy

Commissioner Jackson was absent from the meeting.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Officer Jesus Pinon of the Airport Police; Mr. Robert Passmore, Zoning Administrator for the Department of City Planning; and Doris Levine, Official Hearing Reporter. Executive Director Claire C. Pilcher is recuperating from surgery.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request for Rehearing:

APPEAL NO. 84-091

THOMAS E. McCORMICK, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Appealing the Determination of the Zoning Administrator on May 7, 1984, disapproving a building permit application for work at 4601 Twenty-fifth Street. APPLICATION NO. 8310504.

This matter was heard and decided on May 30, 1984, and the Findings were adopted on June 27, 1984. The request for rehearing was beyond the 10-day period. The Zoning Administrator was advised that any request must be filed by June 11, 1984. On July 11, 1984, the Board had continued the matter until it ascertained the validity of the request for rehearing beyond the 10-day period. There being no motion, the matter will not be reheard.

Requests that the Board take Jurisdiction beyond the 10-day Appeal Period:

1. Letter from Ms. Ella M. Ford regarding "Club Long Island" at 4546 Third Street, appealing denial of Dance Hall Keeper (Amendment), and Place of Entertainment (Amendment) permits, stating that she did not understand the starting date of the 10-day appeal period. There being no motion, the matter will not be heard.

2. Letter from Mr. Barry Blue regarding Cease and Desist Order dated August 17, 1984, for painted wall signs at 2845 Van Ness Avenue and 2415 Van Ness Avenue. Mr. Blue cited lack of response from City Planning as the reason for not filing within the appeal period. There being no motion, the matter will not be heard.

(3) Letter from Dina Kowalski regarding issuance of a building permit on August 17, 1984, for 149 Parker Avenue. Ms. Kowalski states that the permit was erroneously issued. Mr. Robert Passmore, City Planning, advised that this permit had been suspended. The Board ruled that the request was moot, and therefore, no further action was taken. The Board requested the staff to advise the appellant of the permit suspension and the Board's action.

Additional requests for rehearing:

Appeal NO. 84-209

FLYNN AMOS COMPANY, INCORPORATED, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on August 14, 1984, of permit to alter a building at 2852 Mission Street, APPLICATION NO. 8403049. Case heard on August 29, 1984. Board voted 3-2 to overrule the Department with Commissioners Jackson and Engmann dissenting. The Department was upheld. Upon motion of President Guggenhime, the Board voted 4-0 to rehear this matter.

APPEAL NO. 84-214

MARSTON A. SCHULTZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 10, 1984, to Sacred Heart Parish, permit to alter a building at 668 Oak Street. APPLICATION NO. 8401816. Appeal was heard on August 29, 1984, upon motion of Commissioner McCarthy, the Board voted 5-0 to uphold the Department with stipulations. Commissioner Engmann moved that the matter be reheard. The vote was 3-1 against rehearing with President Guggenhime, Vice President Berg and Commissioner McCarthy dissenting. The matter will not be reheared.

THE FOLLOWING APPEALS WERE TAKEN IN ORDER FROM THE REGULAR CALENDAR

APPEAL NO. 84-205

FRANCISCO J. SOLORIO, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 3, 1984, of permit to own/operate a taxicab.

Lawrence Wilson, Esq. represented the Police Department. He presented evidence that the appellant did not list on his application, which he filed under penalty of perjury, information which had a direct bearing and was relevant to the staff background investigation for the issuance of a Taxicab Owner Permit. Michael Mendelson, Esq. represented the appellant who also spoke in his own behalf. The case was continued to Ocotber 3, 1984, to allow both sides to present additional testimony.

APPEAL NO. 84-218

MARY KO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on August 24, 1984, for work done at 1828 Laguna Street. APPLICATION NO. 8404265.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised that the appellant had re-sheetrocked the entire structure and changed a flight of stairs without permit. The appellant stated that she was unaware of the permit requirements and that her contractor had failed to advise her. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and reduce the penalty to $1,208.45, plus the regular fee of $291.55, for a total of $1,500.00 due to the Department.

APPEAL NO. 84-184

JOHNIE L. PERRY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 11, 1984, of permit to alter a building at 544-546 Central Avenue. APPLICATION NO. 8303930.

President Guggenhime advised that the appellant planned to request a variance as a solution to his problem. The appellant stated that this course of action was agreeable to him. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and deny the permit.

APPEAL NO. 84-189

ST. FRANCIS HOMES ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 12, 1984, to C. Yabut, permit to alter a building at 501 St. Francis Boulevard. APPLICATION NO. 8403461.

President Guggenhime advised that the appellant, Mr. Yabut, had been advised to apply for a variance as a solution to his problem. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and deny the permit.

APPEAL NO. 84-219

RICHARD VALENTINO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 14, 1984, to Trinity Properties, permit to erect a structure at 666 to 674 Grandview Street. APPLICATION NO. 8310867.

Mr. Reginald Byrne represented Mr. Valentino who also spoke in his own behalf. They cited the dangers of water damage to private property and the intensification of slide danger in the area as a result of the proposed construction. A neighbor, Mr Merritt, advised that a soils report was on file in the City Engineer's office. Mr. Mac Suzuki represented the permit holder, Trinity Properties. He introduced Mr. Alan Kropp, a Soils Engineer, who supported the permit holder. Mr. James Sangiacomo, owner of the property, and Chief Building Inspector Don Lim responded to questions of the Board. The Board scheduled a site inspection for Monday, September 17, 1984, at 5:15 p.m. The appeal will be continued to September 18, 1984.

APPEAL NO. 84-220

RICHARD VALENTINO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 14, 1984, to Trinity Properties, permit to erect a structure at 676 to 678 Grandview Street. APPLICATION NO. 8403436.

This appeal was heard concurrently with Appeal No. 84-219. (See above)

APPEAL NO. 84-221

MARILYN G. KLINGER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 15, 1984, to Khajag and Hildegard Sarkissian, permit to alter a building at 279 Thirtieth Avenue. APPLICATION NO. 8406889.

Chief Building Inspector Don Lim represented the Bureau of Building Inspection. The appellant, Ms. Marilyn G. Klinger, presented her case, stating that the proposed construction would endanger the occupants of her property and deprive them of light. Mr. Sarkissian, the permit holder, spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and grant the permit.

APPEAL NO. 84-223

ADOLPHUS ANDREWS, Jr., Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 28, 1984, permit to alter a building at 2856 Vallejo Street. APPLICATION NO. 8401114.

In a letter dated September 11, 1984, the appellant withdrew his appeal contingent upon the acceptance of stipulations, which were agreed to by the permit holder.

APPEAL NO. 84-224

DAVID SWEET, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 28, 1984, to Continental Savings and Loan, permit to demolish a building at 2007/2009 Divisadero Street. APPLICATION NO. 8408588.

In a letter dated September 7, 1984, the appellant withdrew his appeal.

APPEAL NO. 84-226

CAROL M. MONTGOMERY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 24, 1984, to J. Barnhart, permit to alter a building at 374 Liberty Street. APPLICATION NO. 8403879.

Mr. Robert Passmore represented the Department of City Planning. The appellant advised the Board that the proposed construction would block light and air now available to her building. The permit holder, Mr. J. Barnhart, responded to questions of the Board. The Board scheduled a site inspection for Monday, September 17, 1984, at 5:45 p.m. The case will be heard further on September 19, 1984.

APPEAL NO. 84-227

DAVID MOSKOWITZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 24, 1984, to Frank L. and Anita Wing, permit to erect a structure at 27/29 Glover Street. APPLICATION NO. 8205802.

Case continued to September 19, 1984, with a site inspection scheduled for Tuesday, September 18, 1984, at 6:00 p.m.

APPEAL NO. 84-202

WILLIAM C. BLAKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 30, 1984, to Lincoln Hunt Development Company, permit to alter a building at 33 New Montgomery Street. APPLICATION NO. 8407613.

President Guggenhime continued this matter until September 19, 1984, to give all parties time to study the records of the past hearings regarding this property. Commissioner Engmann specifically requested that all past transcripts be made available to interested parties.

APPEAL NO. 84-204

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on July 30, 1984, to Lincoln Hunt Development Company, permit to alter a building at 33 New Montgomery Street. APPLICATION NO. 8407613.

President Guggenhime continued this matter until September 19, 1984. See preceding companion Appeal No. 84-202.

APPEAL NO. V84-199

RICHARD A. SUAREZ, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on July 24, 1984, of rear yard variance sought for property located at 3252 Sixteenth Street.

President Guggenhime reported on the site inspection made by himself and Vice President Berg, Commissioners Engmann and McCarthy. Mr. Suarez responded to questions of the Board. Ms. Elizabeth Suello, President of the North Mission Association, stated that her group supported Mr. Suarez. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and grant the variance with the Findings that the five conditions were met.

APPEAL NO. V84-206

WILLIAM A. HYERS, AND LARRY BRODKIN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 1, 1984, of off-street parking variance sought for property located at 1449 Noe Street.

This matter was continued to September 19, 1984, at the request of Ms. Miriam Blaustein, representing the Planning Committee of the Friends of Noe Valley. She stated that they had just been advised of the variance request and wanted time to study the matter.

APPEAL NO. V84-216

VERONICA TEDESCHI, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 7, 1984, of rear yard variance sought for property located at 7000-7002 Geary Boulevard.

Mr. Robert Passmore represented the Department of City Planning. He advised the Board that exceptional circumstances did not exist that would warrant granting this variance. The appellant, Ms. Veronica Tedeschi, spoke in her own behalf using pictures and drawings in the presentation of her case. Upon motion of President Guggenhime, the Board voted 4-0 to uphold the Department and deny the variance.

DATE: September 12, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

SPECIAL MEETING OF THE BOARD

APPEAL NO. V84-199

SITE INSPECTION, TUESDAY, AUGUST 28, 1984, 5:30 p.m., at 3252 Sixteenth Street.
by President Guggenhime, Vice President Berg, and Commissioners Engmann and McCarthy.

BOARD OF PERMIT APPEALS
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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, SEPTEMBER 19, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime, at 5:05 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq. for the Police Department; Mr. Robert Passmore for the Department of City Planning; and Doris Levine, Official Hearing Reporter. Executive Director Claire C. Pilcher was at home recovering from surgery.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Requests that the Board take Jurisdiction beyond the Ten-Day period;

1. Letter from Randall M. Shaw, Esq. regarding 17 Powell Street (Powell Street Hotel) and proposal by the new owners to operate a bar in the lobby of the hotel. Mr. Shaw states that the date on the public notice was in error, thus the appeal was not filed in a timely manner. This request was first heard on August 29, 1984, at which time the Board asked that Chief Building Inspector Don Lim ascertain the facts regarding the date on the notice. Based on this information, the Board would then make a decision regarding jurisdiction. Mr. Lim advised the Board that the information was not yet available. This matter continued to the hearing on October 3, 1984.

THE NEXT MATTERS WERE TAKEN FROM THE REGULAR CALENDAR

APPEAL NO. 84-202

WILLIAM C. BLAKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on July 30, 1984, to Lincoln Hunt Development Company, permit to alter a building at 33 New Montgomery Street. APPLICATION NO. 8407613.

APPEAL NO. 84-204

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 30, 1984, to Lincoln Hunt Development Company, permit to alter a building at 33 New Montgomery Street. APPLICATION NO. 8407613.

These two appeals were heard concurrently. President Guggenhime advised that the transcripts from past hearings would be incorporated into the hearing. Mr. Robert Passmore represented the Department of City Planning. Ms. Pamela Duffy was the attorney for the

permit holder, Lincoln Hunt Development Company. She advised the Board that the permit at issue was for work in the area of the development occupied by Hoffman's Grill and constituted a modification of two conditions originally imposed by the Department of City Planning. Her position was that the permit did not need a Certificate of Appropriateness nor a review by the Landmarks Board before it could be issued. Philip Siggins, Esq. represented William C. Blake, and Ms. Sue Hestor was the attorney for San Franciscans For Reasonable Growth. Stephen B. Bley, Esq. at one point asked clarification of testimony and a Mr. Neil Cupertini spoke in support of the Appellants. Upon motion of President Guggenhime, the Board voted 4-1, with Commissoner Engmann dissenting, to uphold the department and grant the permit

APPEAL NO. 84-227

DAVID MOSKOWITZ, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 24, 1984, to Frank L. and Anita Wing, permit to erect a structure at 27/29 Glover Street. APPLICATION NO. 8205802.

On September 18th there was a site inspection at the above property. This inspection was made by Vice President Berg and Commissioner McCarthy. Commissioner McCarthy summarized the site visit. Mr. Jack Wholey represented the appellant as well as several neighbors. He was supported by Mr. James Sladen who produced charts to emphasis the inappropriateness of the proposed building. Mr. Ed Hardin, the permit holder's architect, represented Mr. Wing who also responded to questions of the Board. Mr. Claude Oakland, a property owner in the area, spoke in support of the permit holder. Chief Building Inspector Don Lim answered questions posed by the Board and neighbors of the permit holder. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and issue the permit with the stipulation that the penthouse be removed but still have the stairs with access to the roof.

APPEAL NO. V84-206

WILLIAM A. HYERS AND LARRY BRODKIN, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on August 1, 1984, of off-street parking variance sought for property located at 1449 Noe Street.

Mr. Robert Passmore represented the Department of City Planning. Ms. Barbara Francisco, a resident of the neighborhood, spoke in support of the Department. Ms. Sonja Dale, President of Friends of Noe Valley, submitted a letter to the Board stating the groups position in the matter of the variance. Mr. Wayne Rieke represented the Appellants and was supported by Mr. Fred Metner, Secretary of the East and West of Castro Street Improvement Club. Upon motion of Commissioner Engmann, the Board voted 4-1, with Commissioner Jackson dissenting, to overrule the Department and grant the permit.

APPEAL NO. 84-226

CAROL M. MONTGOMERY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 24, 1984, to J. Barnhart, permit to alter a building at 374 Liberty Street. APPLICATION NO. 8403879 .

The Board made a site inspection on Monday, September 17, 1984. President Guggenhime, Vice President Berg, and Commissioner Engmann made the inspection. Commissioner Engmann reported on the site inspection. Chief Building Inspector Don Lim responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 5-0 to uphold the Department and grant the permit with the stipulation that the windbreak be made entirely of tempered glass with an open railing on the property line to protect the wall. The wall and the rail will be built according to the Building Code.

APPEAL NO. 84-207

BARBARA O'SHEA, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 6, 1984, to William R. and Nancy E. Kales, permit to alter a building at 2634 Broderick Street. APPLICATION NO. 8408207.

A site inspection was made by Vice President Berg and Commissioner McCarthy on Tuesday, September 18th. The permit holder's architect, Mark Wallace, represented his clients. Ms. O'Shea agreed to President Guggenhime's suggestion that she put shingles on the window that has been boarded up and repair the foundation hole. Upon motion of President Guggenhime, the Board voted to uphold the Department and issue the permit with the following stipulationss: (1) that the fence setback will allow space to clean the windows in that area; (2) the fence will be slatted to allow passage of light; and (3) plans are to be submitted to incorporate the compromise reached at the hearing.

APPEAL NO. 84-205

FRANCISCO J. SOLORIO, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 3, 1984, of permit to own/operate a taxicab.

This appeal was continued to the October 3, 1984 hearing to allow both parties additional time to prepare their case.

APPEAL NO. 84-228

PHUONG M. DERMOTT, dba "AKASAKA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 30, 1984, of permit for massage establishment at 791 O'Farrell Street.

Lawrence Wilson, Esq. represented the Police Department. He stated that the Department had recommended disapproval of the permit because a similiar business was in operation within 1000 feet of the above address. This violated the Municipal Code. The appellant was present and was represented by attorney George S. Barulich. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit.

PRESIDENT GUGGENHIME LEFT THE HEARING AT THIS POINT. (8:01 p.m.)

APPEAL NO. 84-225

GEORGE BASKEVITCH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI DISAPPROVAL

Denial on August 30, 1984, of permit to alter a building at 747-19th Avenue. APPLICATION NO. 8409462.

Chief Building Inspector Don Lim represented the Department of Public Works. He stated to the Board that the appellant was not in compliance with the San Francisco Security Ordinance. The appellant spoke in his own behalf. Upon motion of Commissioner

Engmann, the Board voted 4-0 to overrule the Department and grant permit with the following stipulations: (1) the front door and the door to the tenent's apartment upstairs rear must comply with the Security Ordinance; (2) a moritorium on the requirements of the Security Ordinance was given on the two apartments which are occupied by the appellant and by his mother. This shall be in effect until such time as the occupancy changes or there is a change of ownership.

APPEAL NO. 84-220

RICHARD VALENTINO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 14, 1984, to Trinity Properties, permit to erect a structure at 666/74 Grandview Street. APPLICATION NO. 8403436.

Site visit made by all Board members with the exception of Commissioner Jackson. Commissioner McCarthy reported on the site visit. Chief Building Inspector Don Lim of the Department of Public Works responded to questions of the Board as did Max Sasuki, property manager for Trinity Properties. Upon motion of Commissioner McCarthy, the Board voted 5-0 to uphold the Department with the following stipulations; (1) extend the west concrete retaining wall with a wooden retaining wall of treated redwood, 4X4 treated redwood posts six feet on center. Posts shall be placed down to hard rock with the retaining wall at least two feet above grade line. The wooden wall shall extend to the top most wall that is parallel to Market Street; (2) all drainage pipe systems and area drain systems shall be connected to an approved sanitary sewer system; (3) comply with the Soil Engineer's recommendation of : (a) benched slope area as per plan from the topmost retaining wall to the building retaining wall. Benched area and behind each retaining wall shall be an installation of a paved ditch drain; (b) planting of all slope area; and (c) building owner shall provide maintenance measures of all drainage systems at all times.

APPEAL NO. 84-219

RICHARD VALENTINO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 14, 1984, tc Trinity Properties, permit to erect a structure at 666/74 Grandview Street. APPLICATION NO. 8310867.

This appeal was heard concurrently with the above appeal and the decision was the same for the two appeals.

APPEAL NO. 84-231

RONALD C. TIERNEY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 30, 1984, to Union Terrace Corporation, permit to alter a building at 1020 Union Street, Apt. #9. APPLICATION NO. 8408754.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant Mr. Ronald C. Tierney, was present. There was not a representative from Union Terrace Corporation, the permit holder. The Board voted 5-0 to overrule the Department and deny the permit.

APPEAL NO. 84-230

LINDA LEE LOSKUTOFF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 6, 1984, to Bartley J. Faherty, permit to erect a structure at 1082/84 De Haro Street. APPLICATION NO. 8010466.

By stipulation of both parties, hearing continued to october 3, 1984.

APPEAL NO. 84-232

KENNETH AND MARION E. EVERS, Appellants vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 20, 1984, to Michael E. Arioli, permit to demolish a building at 286-A Union Street. APPLICATION NO. 8408886.

Mr. Robert Passmore represented the Department of City Planning. The appellant spoke in her own behalf. She stated that she was appealing because there seemed to be a great deal of mystery about what the permit holder intended to do. Mr. Okomoto, architect for the permit holder, spoke in his behalf. Mr. Arioli, the permit holder, responded to question of the Board. Upon motion of Mr. Engmann, the Board voted 4-0 to uphold the department and grant the permit with the following stipulations; (1) the requirement that the demolition permit be cancelled six months after issuance is suspended; (2) the demolition permit will be activated on the date that the new building has its final inspection. Within sixty days of that date the old building must be demolished.

APPEAL NO. 84-217

NORMAS EDMONDSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 16, 1984, to Ronald Katz, permit to erect a structure at 171 Twin Peaks Boulevard. APPLICATION NO. 8403384.

By stipulation of both parties, hearing continued to October 3, 1984.

APPEAL NO. 84-222

PETER J. BULLOCK, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated August 17, 1984, for property at 246 McAllister Street.

Case continued to October 3, 1984.

APPEAL NO. 84-229

MELVIN AND OLGA MORAN, Appellants vs. DEPT. PUBLIC WORKS, Respondent
ZONING ADMINISTRATOR DISAPPROVAL

Determination of the Zoning Administrator on August 28, 1984, disapproving Building Permit Application for work done at 163 Vienna Street. APPLICATION NO. 8400659.

Mr. Passmore represented the Department of City Planning. He told the Board that the permit application was disapproved because an off-street parking space had been eliminated, parking in the required front setback was in violation of the Planning Code, creation of a second dwelling unit was a Planning Code violation as was the use of the former off-street parking space for an office and storage. The appellant spoke in his own behalf. A site inspection was scheduled for Tuesday, October 2, 1984, at 8:00 a.m.

There being no further business to come before the Board, Vice President Berg adjourned the meeting at 9:10 p.m.

DATE: September 19, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

SPECIAL MEETINGS OF THE BOARD

APPEAL NO. 84-277

SITE INSPECTION, TUESDAY, September 18, 1984, at 6:00 p.m., 27/29 Glover Street, attended by Vice President Berg and Commissioner McCarthy.

APPEAL NO. 84-226

SITE INSPECTION, MONDAY, September 17, 1984, at 5:45 p.m., 374 Liberty Street, attended by President Guggenhime, Vice President Berg, and Commissioner Engmann.

APPEAL NO. 84-207

SITE INSPECTION, TUESDAY, September 18, 1984, at 5:30 p.m., at 2634 Broderick Street, attended by Vice President Berg and Commissioner McCarthy.

APPEAL NO. 84-220

SITE INSPECTION, MONDAY, September 17, 1984, at 5:15 p.m., 676/78 Grandview Street, attended by President Guggenhime, Vice President Berg, Commissioner Engmann, and Commissioner McCarthy.

APPEAL NO. 84-219

SITE INSPECTION, MONDAY, September 17, 1984, at 5:15 p.m., 666/74 Grandview Street, attended by President Guggenhime, Vice President Berg, Commissioner Engmann, and Commissioner McCarthy.

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MINUTES -SF

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 3, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:07 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore for the Department of City Planning; Doris Levine, Official Hearing Reporter, and Executive Director Claire C. Pilcher.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests to take Jurisdiction Beyond the Ten-day Appeal Period:

A letter from Randall M. Shaw, Esq., regarding 17 Powell Street (Powell Street Hotel) and the proposal by the new owners to operate a bar in the lobby of the hotel. Mr. Shaw stated that the date on the public notice was in error, thus the appeal was not filed in a timely manner. The Board had asked that Chief Building Inspector Don Lim ascertain the facts regarding the date of the notice. Mr. Lim advised the Board that the date on the notice was correct. There being no motion, the matter will not be heard.

A letter from Architect John Keans regarding the construction of a deck at 319-323 Union Street. Mr. Kean states that the Permit Bureau failed to notify him of the issuance of the permit for the above work as he had requested. As a result he was not able to file his appeal in a timely manner. Mr. Lim advised that the letter in question did not address this permit. There being no motion, the matter will not be heard.

Requests for Rehearing:

APPEAL NO. 84-202

WILLIAM C. BLAKE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 30, 1984, to Lincoln Hunt Development Company, permit to alter a building at 33 New Montgomery Street, APPLICATION NO. 8407613. On September 19, 1984, upon motion of President Guggenhime, the Board voted 4-1, with Commissioner Engmann dissenting, to uphold the Department and grant the permit. There being no motion, the matter will not be reheard.

APPEAL NO. 84-204

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on July 30, 1984, to Lincoln Hunt Development Company, permit to alter a building at 33 New Montgomery Street, APPLICATION NO. 8407613. On September 19, 1984, upon motion of President Guggenhime, the Board voted 4-1, with Commissioner Engmann dissenting, to uphold the Department and grant the permit. Upon motion of Commissioner Engmann, the Board voted 4-1 not to rehear the appeal. The matter will not be reheard.

APPEAL NO. 84-228

PHUONG M. DERMOTT, dba "AKASAKA," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 30, 1984, of permit for massage establishment at 791 O'Farrell Street. On September 19, 1984, upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and deny the permit. There being no motion, the matter will not be reheard.

C. Matter for Board Approval:

Approval of Findings of Fact attached to decisions for Appeals No. 84-202 and 84-204. Findings adopted and submitted were made part of the record. The vote to accept the Findings was 4-1, with Commissioner Engmann dissenting.

THE FOLLOWING APPEAL WAS TAKEN OUT OF REGULAR CALENDAR ORDER

APPEAL NO. 84-222

PETER J. BULLOCK, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated August 17, 1984, for property at 246 McAllister Street.

Mr. Robert Passmore, Zoning Administrator, advised the Board that the violation in question was signage on the above property. The violation was such that there did not exist an area for discretionary review. Dr. Bullock spoke in his own behalf. The case was continued to allow City Planning time to get more information on the permits the appellant states authorized the construction of the signs. This case will next be heard on October 31, 1984.

THE FOLLOWING APPEALS WERE HEARD IN REGULAR CALENDAR ORDER

APPEAL NO. 84-209

FLYNN AMOS COMPANY, INCORPORATED, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 14, 1984, of permit to alter a building at 2832 Mission Street. APPLICATION NO. 8403049.

Upon stipulation of both parties, the appeal was continued to the hearing of October 24, 1984.

APPEAL NO. 84-229

MELVIN AND OLGA MORAN, Appellants vs. DEPT. PUBLIC WORKS, Respondent
ZONING ADMINISTRATOR DISAPPROVAL

Determination of the Zoning Administrator on August 29, 1984, disapproving building permit application for work done at 163 Vienna Street. APPLICATION NO. 8400659

Commissioner McCarthy reported on the site inspection made by himself and Vice President Berg. The appellant had advised the Board members that he planned to take out the extra kitchen in the house. The Board was of the opinion that the driveway was usable, thus the garage was available for parking. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department and deny the building permit.

AT THIS POINT IN THE HEARING, DORIS LEVINE, THE OFFICIAL COURT REPORTER, SWORE IN THOSE WHO WERE TO TESTIFY IN THE FOLLOWING CASE

APPEAL NO. 84-205

FRANCISCO J. SOLORIO, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on August 3, 1984, of permit to own/operate a taxicab.

Lawrence Wilson, Esq. represented the Police Department. He presented evidence that the appellant did not list on his application, which he filed under penalty of perjury, information which had a direct bearing and was relevant to the staff background investigation for the issuance of a Taxicab Owner Permit. Officer Jesus Pinon of the Airport Police spoke in support of the Department. Michael Mendelson, Esq. represented the appellant who was present. Mr. Mendelson was supported by the testimony of Mr. Jack G. Trad. Upon motion of Commissioner Engmann, the Board voted 3-2 to uphold the Department with Commissioners Jackson and McCarthy dissenting. The Department is upheld and the permit denied.

APPEAL NO. 84-244

HARRY GUTHERTZ, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 14, 1984, of Peddler's Permit (Amendment) for the Northwest Corner of Hyde and Beach Streets.

Lawrence Wilson, Esq. represented the Police Department. He stated that the Department's position was that the issuance of this permit would violate the law that prohihibits the issuance of a peddler's permit if the same item is offered for sale by merchants within a two block area. Other stores do offer the same item sold by the appellant. Mr. Guthertz, the appellant, spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4-1, with Commissioner Engmann dissenting, to overrule the Department and grant the permit with the stipulation that the hours of operation be from 11 a.m. to 5 p.m.

APPEAL NO. 84-243

KINGCHEUNG TONG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 17, 1984, for work done at 3945 Twenty-fourth Street. APPLICATION NO. 8408156.

Case continued to allow appellant the opportunity to appeal on building permit application. This case will be heard on October 24, 1984.

APPEAL NO. 84-248

PAUL LANSDORF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 20, 1984, for work done at 2726-28 Pine Street. PLUMBING CHARGE NOTICE NO. 24759.

Chief Building Inspector Don Lim represented the Department of Public Works. The appellant was not present nor was he represented. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and sustain the penalty.

APPEAL NO. 84-247

JOHN ATTARDI, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on September 20, 1984, for work done at 614 Twenty-eighth Street. APPLICATION NO. 8403202.

Chief Building Inspector Don Lim represented the Department of Public Works. He stated that the work done without a permit consists of structural conversion of the front windows of the building to bay windows and extensive remodeling of the interior. The appellant was represented by Mr. Don Rothchild. Ms. Mary Rubin spoke in support of the appellant. Upon motion of President Guggenhime, the Board voted 5-0 to uphold the Department and sustain the penalty.

APPEAL NO. 84-249

FREDA F. EISENSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 20, 1984, to Veronica Tedeschi, permit to demolish a building at 485 Thirty-fourth Avenue. APPLICATION NO. 8407562.

Prior to hearing testimony, Commissioner Engmann reported on a meeting he arranged at the demolition site for interested parties to discuss the various issues. He stated that no agreement was reached at that meeting. The appellant, Ms. Freda Eisenson, outlined her position in opposing the demolition permit. She emphasized that the building in question was of great historical importance to the City. Among the various people who supported the appellant were: Ms. Jane Cryan, President of the Refugee Shack Society; Ms. Gwenda Davies, representing the neighbors in the area of the proposed demolition; and Ms. Jo Falcon, a member of the Refugee Shack Committee. Mr. Robert Passmore represented the Department of City Planning. The permit holder, Veronica Tedeschi, spoke in her own behalf. She noted to the appellant's group that they could have the refugee shack provided they moved it off of her property. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department with the stipulation that the demolition be stayed until February 1, 1985, to allow time for the appellant's group to move the refugee shack.

APPEAL NO. 84-230

LINDA LEE LOSKUTOFF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 6, 1984, to Bartley J. Faherty, permit to erect a structure at 1082/84 De Haro Street. APPLICATION NO. 8010466.

Owen O'Donnell, Esq., attorney for the permit holder, asked that the Board rule on his contention that the Board did not have jurisdiction over this matter inasmuch as the appeal was not filed within the 10-day appeal period. The Board ruled that they

had jurisdiction over the matter. The appellant, Ms. Loskutoff, stated that the proposed structure was out of character for the neighborhood, and would possibly violate the zoning designation as the building would possibly contain more than two units. She was supported by William S. Loskutoff, Jim Loskutoff and Don Piper. The permit holder was represented by attorneys Ms. Patricia Carson and Mr. Owen O'Donnell. The Board, after hearing the testimony, scheduled a site inspection for Tuesday, October 9, 1984, at 4:30 p.m. The case will be scheduled for further hearing on October 10, 1984.

APPEAL NO. 84-217

NORMA EDMONDSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 16, 1984, to Ronald Katz, permit to erect a structure at 171 Twin Peaks Boulevard. APPLICATION NO. 8403384.

Upon stipulation of both parties, the case was continued to October 10, 1984, with a site inspection scheduled for Tuesday, October 9, 1984, at 5 p.m.

APPEAL NO. 84-242

PATRICIA B. HUGHES, et al, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 7, 1984, to Butch Swanson, permit to erect a structure at 309 Chapman Street. APPLICATION NO. 8403958.

The appellant, Ms. Hughes, advised the Board that her appeal was based on her belief that there was not adequate parking, fire access or sewage capacity in the neighborhood to support additional construction of homes in the area. She was supported by Ms. Patricia Helton and David Castro. The permit holder, Mr. Butch Swanson, spoke in his own behalf. Mr. Don Lim represented the Department of Public Works, and Mr. Robert Passmore spoke for the Department of City Planning. The Board continued the case, and they asked that in the interim Chief Building Inspector Don Lim have the Fire Department advise the Board of their feelings about new construction in the area and the ability of the Fire Department to support new living units. Mr. Lim was also asked to ascertain the sufficiency of the sewer facilities in the area. The case will be scheduled for further hearing on October 10, 1984.

APPEAL NO. 84-245

NORTH BEACH NEIGHBORS AND TELEGRAPH HILL DWELLERS, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 14, 1984, to Foster and Kleiser, permit to erect a sign at 701 Lombard Street. APPLICATION NO. 8408749.

Mr. Robert Passmore, Department of City Planning, stated that the Department did not have discretionary review on the issue of this particular sign. Ms. Jane Winslow, President of the Telegraph Hill Dwellers Association, represented the appellant group. She stated that the proposed billboard was at odds with the Planning Department's stated commitment to preserve the small scale ambience of North Beach. She was supported by Mr. Richard Perri, President of the North Beach Neighbors Association and Ms. Marsha Arlands of the Neighbors of San Francisco Association. Mr. John B. Marie spoke in support of the appeal. Paul M. Hupf, Esq. represented the permit holder, the Foster and Kleiser Company. He was supported by the testimony of Mr. Dan Johnson from the

Billboard Company of San Francisco. Upon motion of Commissioner Engmann, the Board voted 3-2, with President Guggenhime and Commissioner Jackson dissenting, to overrule the Department and deny the permit. The Department is upheld and the permit granted.

APPEAL NO. 84-246

NORTH BEACH NEIGHBORS AND TELEGRAPH HILL DWELLERS, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on September 14, 1984, to Foster and Kleiser, permit to erect a sign at 701 Lombard Street. APPLICATION NO. 8408750.

This appeal was heard concurrently with Appeal No. 84-245.

APPEAL NO. V84-223

KEVIN COONEY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 4, 1984, of Rear Yard Variance sought for property located at 2090 Forty-fifth Avenue.

Mr. Robert Passmore, Zoning Administrator, advised the Board that the appellant's desire to utilize an interior rather than exterior stairway to the floor above was presented as a convenience. Convenience, rather than an unnecessary hardship, did not meet the criteria for granting a variance under the Planning Code. The appellant presented his case and responded to questions of the Board. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the variance with the findings based on the appellant's statement listed on Page Two of the appeal.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 10:27 p.m.

SPECIAL MEETING OF THE BOARD

SITE INSPECTION, TUESDAY, OCTOBER 2, 1984, 8 a.m., at 163 Vienna Street, attended by Vice President Berg and Commissioner McCarthy

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 10, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:07 p.m.

Present were: President Richard J. Guggenhime
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Vice President Berg was absent from the hearing.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore for the Department of City Planning; Lt. Charles Farrell, representing the Fire Department; Doris Levine, Official Hearing Reporter, and Claire C. Pilcher, Executive Director.

There were no requests for rehearing or matters for the Board's consideration. The first appeal from the regular calendar was:

APPEAL NO. 84-217

NORMA EDMONDSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on August 16, 1984, to Ronald Katz, permit to erect a structure at 171 Twin Peaks Boulevard. APPLICATION NO. 8403384.

President Guggenhime reported on the site inspection made by himself and Commissioner Engmann. Ms. Edmondson introduced Carlos Bea, Esq., who addressed legal aspects of the appeal. The appellant spoke in her own behalf. Mr. Robert Passmore spoke for the Department of City Planning. A neighbor, Vance Fong, ran a film that supported the appeal. Ms. Mary Ann Bannan Haines, President of the Twin Peaks Improvement Association, spoke in support of the appellant, as did Mr. William McCormick. Mr. Katz, the permit holder, spoke in his own behalf. He gave each member of the Board a brochure that illustrated his position. Ms. Lucy Stephensom and Ms. Romana, spoke in support of the permit holder. Tim Tosta, Esq., attorney for the appellant, responded to questions of the Board. The Board continued the appeal to October 24th. Both parties were instructed by the Board to work toward a mutually acceptable solution of the problems before the next hearing.

APPEAL NO. 84-230

LINDA LEE LOSKUTOFF, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 6, 1984, to Bartley J. Faherty, permit to erect a structure at 1082/84 De Haro Street. APPLICATION NO. 8010466.

A site inspection was made by President Guggenhime and Commissioner Engmann. Commissioner Engmann summed up the impressions of the site inspection. Upon motion of President Guggenhime, the Board voted 3-1, with Commissioner Engmann dissenting, to uphold the Department and issue the permit.

APPEAL NO. 84-242

PATRICIA B. HUGHES, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 7, 1984, to Butch Swanson, permit to erect a structure at 390 Chapman Street. APPLICATION NO. 8403958.

Lt. Charles Farrell represented the Fire Department. Mr. Don Lim spoke for the Department of Public Works. Commissioner Engmann reported on a visit that he had made to the site. The general consensus was that the public services were adequate to support the proposed construction; however, future construction plans would have to be evaluated as to the availability of adequate services such as fire protection and sewage service. Upon motion of President Guggenhime, the Board voted 3-1, with Commissioner Engmann dissenting, to uphold the Department and grant the permit.

APPEAL NO. 84-253

TAMMY HO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on September 27, 1984, of permit to alter a building at 1161 Mission Street. APPLICATION NO. 8406337.

Chief Building Inspector Don Lim represented the Department of Public Works. Lt. Charles Farrell spoke for the Fire Department. Mr. Lim advised the Board that the building would have to be brought up to Code. Lt. Farrell stated that based on the type of occupancy, specific steps would have to be taken to satisfy the requirements of the Fire Code. Mr. Andy Forrest, a member of Jack Scott Associates, represented the permit holder. The Board continued the matter, instructing the Departments to ascertain what the specific occupancy of the building was going to be, and what steps would have to be taken to meet these requirements. Appeal rescheduled for hearing on October 24, 1984.

APPEAL NO. 84-250

PATRICK J. JENNINGS, dba "FLYING DUTCHMAN PARK," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 14, 1984, of permit for car park solicitor at 50 Post Street and 150 Redwood Street.

Lawrence Wilson, Esq. represented the Police Department. He stated that the appellant had failed to appear at the permit hearing after being duly notified. The appellant, Mr. Jennings, spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and issue the car park solicitor permit with the stipulation that the permit expire in nine months, ie. July 1, 1985, at which time application must be made for a new permit.

APPEAL NO. 84-251

ZACHARY NATHAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 1, 1984, of permit to alter a building at 1979 Ninth Avenue. APPLICATION NO. 8408806.

Mr. Douglas Tom, the appellant's architect, spoke on behalf of the appellant. He stated that he had originally been advised by the Department of Public Works that he could build

a lightwell that conformed to the old Building Code. However, the new Building Code required a larger lightwell. Mr. Don Lim represented the Department of Public Works. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 84-192

FRANK DUFFY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 11, 1984, of permit to erect a structure at 3145 Turk Street. APPLICATION NO. 8303561.

Mr. Robert Passmore represented the Department of City Planning. Mr. Lim spoke for the Department of Public Works. Mr. Lim advised the Board that the building that was now standing was in violation of the Smoke and Heat Ordinance of the City. This case was continued for further hearing to allow for a site inspection by the Board members on Tuesday, October 23rd at 5:00 p.m. The case will be heard on October 24, 1984.

APPEAL NO. 84-254

BRADFORD PAUL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on September 21, 1984, to Patrick Fealy and Frank Duffy, permit to demolish a building at 3141/49 Turk Street. APPLICATION NO. 8408175.

See above companion appeal. These two cases heard concurrently.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 8:45 p.m.

SPECIAL MEETINGS OF THE BOARD

SITE INSPECTION, TUESDAY, October 9, 1984, at 4:30 p.m., 1082/84 De Haro Street, attended by President Guggenhime and Commissioner Engmann.

SITE INSPECTION, TUESDAY, October 9, 1984, at 5:00 p.m., 171 Twin Peaks Blvd., attended by President Guggenhime, and Commissioner Engmann.

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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M I N U T E S
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 24, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:10 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore and Ms. Angelica Chiong, for the Department of City Planning; Lt. Charles Farrell, for the Fire Department; Doris Levine, Official Hearing Reporter, and Claire C. Pilcher, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Request that the Board take Jurisdiction Beyond the 10-Day Appeal Period

Letter from Vittoria Givone regarding appeal of the denial of application for place of entertainment permit at 1681 Church Street, dba "Mamma Vittoria Gelato". The letter stated that the mailed Notice of Denial was picked up too late to appeal in a timely manner. Upon motion of President Guggenhime, the Board voted 5-0 to take jurisdiction in the matter.

Requests for Rehearings

APPEAL NO. 84-244
HARRY GUTHERTZ, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 14, 1984, of Peddler's Permit (Amendment) for the Northwest corner of Hyde and Beach Streets. On October 3, 1984, the Board voted 4-1, with Commissioner Engmann dissenting, to overrule the Department and grant the permit with the stipulation that the hours of operation be from 11 a.m. to 5 p.m. Upon motion of Vice President Berg, the Board voted 5-0 to rehear the matter.

APPEAL NO. V84-162
LEOPOLDO A. RUAZOL, JR., Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on June 7, 1984, of Rear Yard Variance sought for property at 2694 Alemany Boulevard. On July 11, 1984, the Board voted 5-0 to overrule the Department with stipulations. On August 8, 1984, a request for a rehearing submitted by the Department of City Planning was denied due to a lack of a motion. On October 18, 1984, a letter was received by the Board from the Department of City Planning to augment their request for rehearing dated July 31, 1984. The amended Notice of Decision (including Findings) was received by City Planning on October 12, 1984. There being no motion, the matter will not be reheard.

APPEAL NO. 84-254

BRADFORD PAUL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on September 21, 1984, to Patrick Fealy and Frank Duffy, permit to demolish a building at 3141/49 Turk Street. APPLICATION NO. 8408175.

Commissioner McCarthy summarized the site inspection attended by himself and Vice President Berg. Upon stipulation of both parties, the case was continued to the hearing of November 14, 1984.

APPEAL NO. 84-192

FRANK DUFFY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 11, 1984, of permit to erect a structure at 3145 Turk Street. APPLICATION NO. 8303561.

This appeal was heard concurrently with companion Appeal NO. 84-254. This case continued to the hearing of November 14, 1984. (See above appeal)

APPEAL NO. 84-253

TAMMY HO, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE DEPARTMENT DISAPPROVAL

Denial on September 27, 1984, of permit to alter a building at 1161 Mission Street. APPLICATION NO. 8406337.

This case was originally heard on October 10, 1984. It was continued to allow the Fire Department to evalulate the situation. Lt. Charles Farrell testified for the Fire Department. He discussed with the Board the condition of the building. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit with the following stipulations; (1) occupancy of the basement requires sprinklers for the cutting tables; (2) correction of Code violations in all elevator shafts; (3) replacement of missing doors and door closures in stair enclosures; (4) emergency lighting for stair enclosures; (4) additional directional exit signs; (6) a supervised sprinkler system be installed as a safety equivalent for the excessive allowable stories in the structure; and (7) the owner of the building will be required to provide the Bureau of Building Inspection with a set of architectural drawings for the entire building. Such plans will show the intended occupancy of each floor. Until these plans are submitted, the addition to the second level is denied.

APPEAL NO. 84-217

NORMA EDMONDSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on August 16, 1984, to Ronald Katz, permit to erect a structure at 171 Twin Peaks Boulevard. APPLICATION NO. 8403384.

Commissioner McCarthy gave a report of his meeting with the concerned parties of this appeal. A compromise was not reached at the meeting. Both the appellant, Ms. Edmondson, and the permit holder, Mr. Katz, responded to questions of the Board. The Board noted that the matter of the lot split was not before the Board, nor did they have jurisdiction over that particular matter. Upon motion of Commissioner McCarthy, the Board voted 4-0, with Vice President Berg abstaining, to uphold the Department and grant the permit subject to the Conditions of Approval attached to the decision.

APPEAL NO. 84-209

FLYNN AMOS COMPANY, INCORPORATED, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on August 3, 1984, of permit to alter a building at 2832/38 Mission Street. APPLICATION NO. 8403049.

The transcripts from two previous hearings of this appeal were incorporated into the record. Mr. Robert Passmore and Ms. Angelica Chiong represented the Department of City Planning. Mr. Passmore stated that he did not have any additional information to submit to the Board. Mr. Philip Lesser, co-owner of the property next door, spoke in support of the Department as did Mr. Bill Morrow, Mr. Steven Chase and Mr. Dave Anderson, the latter a member of the Mission Street Kiwanis Club. The appellant was represented by Timothy Tosta, Esq. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and grant the permit with the following stipulations: (1) that this permit be valid and operable only so long as the dwelling units known as the Mission Bart Apartments are reserved for low income tenants as defined by Section 8, of the California Housing Code and regulated by the California Housing and Finance Agency, and (2) this condition is specifically to be made a condition of any lease or sublease for this property whether entered into by the present partnership or any other subsequent owner of the project.

APPEAL NO. 84-255

GILCO CONSTRUCTION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on October 2, 1984, for work done at 798 Monterey Boulevard, APPLICATION NO. 8408472.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the work done without a permit consisted of drilled caisson installations. This work did not have the approval of the Bureau's engineer nor was it inspected by the District Building Inspector. Mr. Ben Simon spoke for the permit holder as did a Mr. Carpenter, the site engineer. Upon motion of Vice President Berg, the Board voted 5-0 to uphold the Department and sustain the penalty.

APPEAL NO. 84-259

HELEN M. CAMPBELL, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of permit for outcall massage service.

Lawrence Wilson, Esq. represented the Police Department. He advised that the permit had been revoked due to the non-payment of fees; however, the fees had since been paid. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 84-260

THERESA E. SPEARS, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of Masseuse Permit.

Lawrence Wilson, Esq. represented the Police Department. He advised that the permit had been revoked due to the non-payment of license fees. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit with the stipulation that all the fees are to be paid by 5 p.m., October 31, 1984.

APPEAL NO. 84-261

RONALD J. MORINI, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of permit for Driver Public Passenger Vehicle.

Lawrence W. Wilson, Esq., represented the Police Department. He advised the Board that the non-payment of license fees had been the reason that the appellant's permit had been revoked. However, he further advised that the said fees had since been paid. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 84-264

PETER H. LEE, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of permit for Driver Public Passenger Vehicle.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the non-payment of license fees was the reason the permit had been revoked. The Board continued the case to October 31, 1984, to give the appellant time to work out a solution to his problem.

APPEAL NO. 84-265

FRED SERHAN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of Permit for Pawnbroker.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the permit had been revoked due to the non-payment of license fees. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit with the stipulation that the required license fees be paid by 5 p.m., October 31, 1984.

APPEAL NO. 84-266

FRED SERHAN, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of Permit for Secondhand Dealer.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the non-payment of license fees was the reason the Department had revoked the permit. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit with the stipulation that all license fees be paid by 5 p.m., October 31, 1984.

APPEAL NO. 84-257

RICHARD L. VELASQUEZ, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 4, 1984, of Permit for Driver Public Passenger Vehicle.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the non-payment of license fees was the reason the permit had been revoked. However, he had noted to the Board that the fees had since been paid. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 84-258

PAUL A. DOMERGUE, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of Permit for Driver Public Passenger Vehicle.

Lawrence Wilson, Esq. represented the Police Department. He advised the Board that the non-payment of license fees was the reason the permit had been revoked; however, he advised the Board that the fees has since been paid. Upon motion of President Guggenhime, the Board voted 5-0 to overrule the Department and reinstate the permit.

APPEAL NO. 84-252

BRUCE TUTHILL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on September 18, 1984, of permit to alter a building at 348-56 Greenwich, APPLICATION NO. 8409564.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised that the appellant did not want to comply with the Code section that requires that any glazed openings accessible from the ground level shall be protected with approved safety glass or burglar resistant glazing. The appellant spoke in his own behalf. He advised the Board that the topography at the site made access to the north side of the house impossible. Upon motion of Commissioner Engmann, the Board voted 5-0 to overrule the Department and grant the permit.

APPEAL NO. 84-268

JAMES R. BLOYER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on October 9, 1984, to Doctor Daniel and Leslie Davidson, permit to alter a building at 2375 Ocean Avenue. APPLICATION NO. 8408062.

Appeal withdrawn prior to hearing by appellant

APPEAL NO. 84-267

LINCOLN COURT HOMEOWNERS ASSOCIATION, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 9, 1984, to Felix Baes, permit to erect a structure at 8 Lincoln Court. APPLICATION NO. 8401357.

Mr. John Francisco represented the Lincoln Court Homeowner's Association. He stated that if the permit holder builds the house as he plans the view of other residents will be destroyed. Charles Stuart, Esq., spoke in behalf of the permit holder. Upon motion of Commissioner Engmann, the Board voted 5-0 to concur with the Department and grant the permit.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 7:30 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. 84-254

SITE INSPECTION TUESDAY, OCTOBER 23, 1984, 5:00 p.m., at 3141/49 Turk Street, attended by Vice President Berg and Commissioner McCarthy.

APPEAL NO. 84-192

SITE INSPECTION TUESDAY, OCTOBER 23, 1984, 5:00 p.m., at 3145 Turk Street, attended by Vice President Berg and Commissioner McCarthy.

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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M I N U T E S
MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, OCTOBER 31, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by Vice-President Jerry E. Berg at 5:07 p.m.

Present were: Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

President Guggenhime was absent from the hearing.

Also present were: Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Ms. Nancy Gin for the Department of City Planning; and Doris Levine, Official Hearing Reporter. Executive Director Claire was hospitalized.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE:

Request that the Board take Jurisdiction:
Request from William C. Blake to appeal the issuance of a Foundation Permit for 33 New Montgomery Street. Bureau of Building Inspection advised the Board that the matter was not appealable to the Board of Permit Appeals. Philip Siggins, Esq., represented the appellant. Chief Building Inspector Don Lim spoke for the Department of Public Works. Upon motion of Commissioner Engmann, the Board voted 4-0 to continue the matter until the Department of Public Works can get an opinion from the Office of the City Attorney. This matter continued until the decision is available from the City Attorney.

Request that the Board take Jurisdiction Beyond the 10-Day Appeal Period.
Letter from Glenda Mitchell regarding denial of variance request. Ms. Mitchell stated that the letter regarding the variance denial was sent by certified mail and that she was at work when delivery of the letter was attempted by the Post Office. By the time she picked the letter up at the Post Office it was too late to file a timely appeal. Regarding the request for jurisdiction, there was no motion so the matter will not be heard.

Letter from James Guthrier regarding an appeal of a penalty for work done at 550 Missouri Street. The appellant stated that he was advised by the Bureau of Building Inspection that he could file his appeal after the 10-day appeal period had expired. The request for jurisdiction did not receive a motion, so the matter will not be heard.

REQUEST FOR REHEARING:

APPEAL NO. 84-255

GILCO CONSTRUCTION, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on October 2, 1984, for work done at 798 Monterey Boulevard. On October 24, 1984, the Board voted 5-0 to uphold the Department and sustain the penalty. In response to the request, there was no motion. As a result the matter will not be reheard.

THE FOLLOWING APPEALS WERE TAKEN FROM THE REGULAR CALENDAR:

APPEAL NO. 84-222

PETER J. BULLOCK, Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to cease violation of the Planning Code, dated August 14, 1984, for property located at 246 McAllister Street.

This case was continued from October 10, 1984. The reason for the continuance was to give City Planning time to check out the permits the appellant stated authorized the signs on his building. Ms. Nancy Gin represented the Department of City Planning. The appellant spoke on his own behalf. At this point, the Board asked Ms. Gin to review material to report on later in the hearing.

APPEAL NO. 84-244

HARRY GUTHERTZ, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 14, 1984, of Peddler's Permit (Amendment) for the Northwest corner of Hyde and Beach Streets.

On October 24, 1984, the Board voted 4-1, with Commissioner Engmann dissenting, to overrule the Department and grant the Amendment to the existing permit. On October 24, 1984, the Department's request for rehearing was granted.

Lawrence Wilson, Esq., represented the Police Department. He cited severe opposition in the business community to appellant's retail presence. The Department was supported by Mr. Christopher Martin, President of the Fisherman's Wharf Merchant's Association, Mr. Richard Soo, and various others in the area. The appellant spoke in his own behalf and was supported by Mr. Stephen Henry. The Board requested Mr. Christopher Martin to counsel with the appellant as to alternate items to merchandise. The case was continued to November 28, 1984.

AT THIS POINT HEARING WAS RESUMED ON APPEAL NO. 84-222

APPEAL NO. 84-222

Ms. Nancy Gin, speaking for the Department of City Planning, stated that there were six signs attached to the subject property, and that these six signs were in violation of the City Planning Code. The signs were described as follows:
(1) electric, single-faced, placed flat on east wall, 2' x 16', copy reads "Abigail";
(2) non-electric, projecting, 1' x 2', copy reads "Abigail Hotel - Wine Bar - & Restaurant";
(3) non-electric, projecting, 1-1/2' x 5", copy reads "Bed & Breakfast": (4) non-electric, projecting, 1" oval, copy reads "Mellons"; (5) non-electric, hanging from awning, 1' x 3', copy reads "Cocktails"; and (6) lettering on awning, 4" x 6", copy reads "The Abigail", approved in error.

(Cont) APPEAL NO. 84-222

The appellant, Dr. Bullock, spoke in his own behalf. The Board, upon motion of Commissioner McCarthy, voted 4-0 as follows; (1) regarding Sign No. 1, the Board upheld the Department; (2) regarding Sign No. 2, the Department is overruled; (3) regarding Sign No. 3, the Department is upheld; (4) regarding Sign No. 4, the Department is upheld; (5) regarding Sign No. 5, the Department is upheld; and (6) regarding Sign No. 6, the Department is overruled.

REGULAR CALENDAR ORDER WAS RESUMED AT THIS POINT

APPEAL NO. 84-271

FRED HERRERA, dba "THE STONE," vs. POLICE DEPARTMENT, Respondent

Denial on October 19, 1984, of Cabaret - After Hours Dance Permit at 412 Broadway.

Lawrence Wilson, Esq. represented the Police Department. As reasons for the Department's denial he cited vigorous community opposition to the granting of the permit, increased potential for neighborhood disturbance and the proximity of two other cabarets in the area. The Department was supported by the testimony of Mr. Stuart Caldwell, a resident of the area. The appellant presented his position and was supported by the testimony of Mr. Chester Chen, owner of the property at 412 Broadway, and Mr. Bobby Corona, a business associate of the appellant. Mr. Umberto Marino, a local restaurant owner, also spoke in support of the appellant. The case was continued to November 28, 1984, to allow the Department time to secure additional information.

APPEAL NO. 84-256

KINGCHEUNG TONG, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on September 17, 1984, of permit to alter a building at 3945 Twenty-fourth Street. APPLICATION NO. 8408156.

Ms. Nancy Gin represented the Department of City Planning. She stated that the application was disapproved because the work proposed violated the City Planning Code. Mr. Stanley Hung spoke for the appellant. The latter also responded to questions of the Board. Upon motion of Commissioner Engmann, the Board voted 3-1 to uphold the Department. The Department is upheld and the permit denied.

APPEAL NO. 84-243

KINGCHEUNG TONG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of a penalty on September 17, 1984, for work done at 3945 Twenty-fourth Street. APPLICATION NO. 8408156.

Chief Building Inspector Don Lim represented the Department of Public Works. He stated that the work done without a permit consisted of the installation of awnings on the exterior of the building. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and reduce the penalty to $31.45, plus the regular fee of $31.45, for a total of $62.90 due to the Department.

APPEAL NO. 84-270

SANDY AND BABCOCK ARCHITECTS, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on October 25, 1984, of permit to alter a building at 1460 Pine Street. APPLICATION NO. 8410312.

The appellant advised the office via telephone and letter prior to the hearing that he wished to withdraw his appeal.

APPEAL NO. 84-272

RICHARD PARKER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Protesting issuance on October 14, 1984, to KHC Investment Company II, permit to convert a residential hotel to a tourist hotel at 490 Geary Street.

Upon stipulation of both parties, the case was continued to November 14, 1984.

There being no further business to come before the Board, Vice President Berg adjourned the hearing at 7:30 p.m.

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, NOVEMBER 14, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:13 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Robert J. McCarthy

Commissioner Douglas J. Engmann arrived at 6:15 p.m.

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Michael Gash, Esq. for the Police Department; Ms. Nancy Gin and Mr. Robert Passmore for the Department of City Planning; Mr. Peter Burns for the Division of Apartment and Hotel Inspection; and Doris M. Levine, Official Hearing Reporter. Executive Director Claire C. Pilcher was in the hospital.

(1) MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests for Rehearing:

APPEAL NO. 84-217

NORMA EDMONDSON, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Protesting issuance on August 14, 1984, to Ronald Katz, permit to erect a structure at 171 Twin Peaks Boulevard. APPLICATION NO. 8403384.

This appeal was heard on October 3, 10, and 24, 1984. A site inspection was held on October 9, 1984. On October 24, the Board, upon motion of Commissioner McCarthy, voted 4 - 0, with Vice President Berg abstaining, to uphold the Department with stipulations.

There being no motion, the matter will not be reheard.

APPEAL NO. V84-233

KEVIN COONEY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on September 4, 1984, of rear yard variance sought for property located at 2090 Forty-fifth Avenue.

On October 3, 1984, the Board voted 5 - 0 to overrule the Department and grant the Variance.

There being no motion, the matter will not be reheard.

Request that the Board take jurisdiction beyond the 10-day appeal period:

Letter from Janet Murtaugh regarding construction at 578 Thirtieth Street. Ms. Murtaugh states that she was advised by the Department of Public Works that she had an additional day to file her appeal. President Guggenhime

asked that this matter be continued, pending a report from Mr. Don Lim.

THE FOLLOWING APPEALS WERE TAKEN OUT OF REGULAR CALENDAR ORDER:

APPEAL NO. 84-264

PETER H. LEE, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 5, 1984, of permit for Driver Public Passenger Vehicle.

Michael Gash, Esq. represented the Police Department. He advised the Board that the permit had been suspended due to the non-payment of license fees. The appellant spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4 - 0 to overrule the Department with the stipulation that all license fees are paid within the next five working days.

APPEAL NO. 84-274

TYREE B. FIELDS, Appellant vs. POLICE DEPARTMENT, Respondent

Suspension on October 19, 1984, of Driver Public Vehicle Permit for City Cab Company.

Michael Gash, Esq. represented the Police Department. He advised the Board that the Taxicab Enforcement Unit of the Permit Section had recommended revocation of this permit, citing involvement in prostitution activities and failure to complete Waybill as required by Section 1130 of the Municipal Police Code. The appellant spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4 - 0 to overrule the Department in the matter of the ten-day suspension of the permit, and to uphold the Department in the matter of imposing a six-month probationary period for the permit.

APPEAL NO. 84-272

RICHARD PARKER, Appellant vs. DEPT. PUBLIC WORKS, Respondent
DAHI APPROVAL

Protesting issuance on October 16, 1984, to KHC Investment Company II, permit to Convert a Residential Hotel to a Tourist Hotel at 490 Geary Street.

Chief Building Inspector Don Lim represented the Department of Public Works. Mr. Peter Burns spoke in behalf of the Division of Apartment and Hotel Inspection. Mr. Randall M. Shaw, Esq. represented the appellant. He stated that the permit holder had not adhered to the requirements pertaining to replacement housing necessary when converting a residential hotel to a tourist hotel. Mr. Gilbert J. Lau represented the permit holder. Upon motion of President Guggenhime, the Board voted 4 - 0 to uphold the Department with the stipulation that the letter from KHC Investment Company II, dated November 5, 1984, addressed to Mr. Robert C. Levy, Superintendent, Bureau of Building Inspection, be incorporated in the decision.

THE FOLLOWING APPEALS WERE IN REGULAR CALENDAR ORDER:

APPEAL NO. 84-275

TY THI CROFF, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 19, 1984, of masseuse permit for "Kim's Spa" at 441 Stockton Street.

Case continued to November 28, 1984.

APPEAL NO. 84-277

CHARLES WEHRENBERG, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 1, 1984, for work done at 62 Kissling Street. APPLICATION NO. 8411000.

Mr. Don Lim represented the Department of Public Works. He advised that the work done without a permit consisted of kitchen and dining room remodeling. The appellant spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4 - 0 to overrule the Department and reduce the penalty to $60.35, plus the regular fee of $60.35, for a total of $120.70 due to the Department.

APPEAL NO. 84-279

JANET MURTAUGH, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 2, 1984, for work done at 582 Thirtieth Street. APPLICATION NO. 8405232.

Mr. Don Lim represented the Department of Public Works. He advised the Board that the appellant constructed a deck without benefit of permit. The appellant spoke in her own behalf. Upon motion of President Guggenhime, the Board voted 4 - 0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total of $91.80 due to the Department.

APPEAL NO. 84-286

MITCHELL L. MITCHELL, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE PREVENTION BUREAU DISAPPROVAL

Denial on November 6, 1984, of permit to alter a building at 150 Powell Street. APPLICATION NO. 8410238.

Case continued to November 28, 1984.

APPEAL NO. 84-278

AIKO S. TAKEUCHI, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 22, 1984, to Bill and Wea Sun Wong, permit to demolish a building at 674 Twenty-ninth Avenue. APPLICATION NO. 8410727.

Mr. Don Lim represented the Department of Public Works. Ms. Nancy Gin represented the Department of City Planning. Mr. John W. Lau spoke in behalf of the appellant. Upon motion of President Guggenhime, the Board voted 4 - 0 to uphold the Department and grant the permit.

THE FOLLOWING APPEAL WAS TAKEN OUT OF REGULAR CALENDAR ORDER:

APPEAL NO. 84-282

PATRICIA J. VAN STEENBERGE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 25, 1984, to Stephen R. Wahler, permit to alter a building at 41 Winfield Street. APPLICATION NO. 8410405.

Mr. Don Lim represented the Department of Public Works. The appellant,

Ms. Van Steenberge, stated that her protest was based on her belief that the building being altered had an inadequate foundation. The appeal was continued to November 28, 1984. The Board asked Chief Building Inspector Don Lim to visit the site and report on the condition of the foundation.

At this point, the Board took a break and Commissioner Engmann arrived.

THE REGULAR ORDER OF THE CALENDAR RESUMED:

APPEAL NO. 84-254

BRADFORD PAUL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on September 24, 1984, to Patrick Fealy and Frank Duffy, permit to demolish a building at 3141/49 Turk Street. APPLICATION NO. 8408175.

Both parties had reached an agreement. Fay Chiemi Imamura, Esq. represented the permit holders. Francine Zepeda, Esq. represented the tenants. Upon motion of President Guggenhime, the Board voted 5 - 0 to uphold the Department and grant the permit with the stipulation that (1) tenant Mrs. Balsey be awarded $7500.00; and (2) tenant Mrs. Anna Bergs be awarded $13,750.00, each with six months time period in which to move.

APPEAL NO. 84-192

FRANK DUFFY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on July 11, 1984, of permit to erect a structure at 3145 Turk Street. APPLICATION NO. 8303561.

This appeal was heard concurrently with the above appeal. Upon motion of President Guggenhime, the Board voted 5 - 0 to overrule the Department with the same stipulations as in Appeal No. 84-254.

APPEAL NO. 84-281

OCEAN AVENUE MERCHANTS ASSOCIATION, et al, Appellants vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 24, 1984, to Pizza Express Incorporated, permit to alter a building at 1417 Ocean Avenue. APPLICATION NO. 8408354.

Mr. Robert Passmore represented the Department of City Planning. Ms. Patricia Vaughey, President of the Ocean Avenue Merchants Association, stated that there were already too many fast food outlets in the area. She was supported by Mr. Mitch Green, President of the Neighborhood Association. Mr. Keith J. Severson, the permit holder, spoke in his own behalf. He was supported by Mr. Roger D. Miles, owner of the property. Upon motion of Commissioner Engmann, the Board voted 2 - 3 to overrule the Department and grant the permit with President Guggenhime, Vice President Berg, and Commissioner McCarthy dissenting. Four votes being needed to overrule, the Department was upheld.

APPEAL NO. 84-283

HERBERT S. MURPHY, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 26, 1984, to Lawrence J. Toboni, permit to erect a building at 368 Twenty-eighth Street. APPLICATION NO. 8305542.

Withdrawn prior to meeting.

APPEAL NO. 84-285

145 LAUREL STREET TENANTS COMMITTEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
FIRE PREVENTION BUREAU APPROVAL
DAHI APPROVAL

Protesting issuance on October 30, 1984, to Sol Friedman, permit to alter a building at 145 Laurel Street. APPLICATION NO. 8408534.

The appellant was represented by Ms. Pamela M. McLaughlin. She stated the tenants' concern about the inconvenience and possible evictions that the construction could cause. She was supported by letters from neighbors in the area. Mr. Jack Scott and Mr. Andrew Forrest, construction consultants, represented the permit holder. The Board scheduled a site inspection for Tuesday, November 27, 1984 at 5:30 p.m. Continued to November 28, 1984.

APPEAL NO. 84-234

SAN FRANCISCANS FOR REASONABLE GROWTH, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on September 5, 1984, to the Empire Group, permit to demolish a building at 624 Sacramento Street. APPLICATION NO. 8405420.

Upon motion of President Guggenhime, the Board certified that the E.I.R. was sufficient. This appeal and Appeals No. 84-235, 84-236, 84-237, 84-238, 84-239, 84-240, 84-241, and 84-263 were grouped together for hearing. Sue C. Hestor, Esq. spoke for the appellant. Her basic position was concern for the shading of Portsmouth Square. She stated that the proposed building would have a deleterious effect on the quality of light for the Square. She was supported by Mr. Gordon Chin, of the Chinatown Neighborhood Association; Gary C. Wong for the Committee for Better Parks and Recreation in Chinatown; Tom Jones, architect, for the Asian Neighborhood Design; Edmund Lee, Esq., Asian Law Caucus for the Wu Yee Center; and Ms. Sai-ling Chan Sen for the Regional Mental Health Center. Zane L. Gresham, Esq., represented the permit holder. Mr. Robert Passmore and Ms. Barbara Sahm represented the Department of City Planning. Upon motion of President Guggenhime, the Board voted 4 - 1, with Commissioner Engmann dissenting, to uphold the Department and grant the permit. Findings will be prepared by Counsel, they will be available December 5, 1984, and be placed on the December 12, 1984 agenda scheduled for adoption.

APPEAL NO. 84-269

SAN FRANCISCANS FOR REASONABLE GROWTH and THE NORTH OF MARKET PLANNING COALITION, Appellants vs. DEPT. PUBLIC WORKS, Respondent CITY PLANNING APPROVAL

Protesting issuance on October 11, 1984, to Trinity Properties, permit to erect a structure at 1145 Market Street. APPLICATION NO. 8200517.

This appeal was continued until further notice at the request of the Department of City Planning and upon advice of the City Attorney

APPEAL NO. V84-262

GARY L. MAHLER, CORPORATE COUNSEL - UNITED ARTISTS THEATRE CIRCUIT, INC. Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 2, 1984 of off-street parking variance sought for property located at 1230 Van Ness Avenue.

Mr. Robert Passmore represented the Department of City Planning. Peter A. Bagatelos, Esq. spoke in support of the Department as did Timothy A. Tosta, Esq. representing the Polk District Merchants Association; Margaret Rosegay-Katt, Esq. for the Butterfield Auction Corporation; and Reverend Hanlin of the Apostolic Faith Church on Sutter Street. The Permit Holder was represented by Pamela S. Duffy, Esq. Upon motion of Commissioner Engmann, the Board voted 5 - 0 to uphold the Department and deny the variance.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 9:29 p.m.

DATE: November 14, 1984

Richard J. Guggenhime, President

Claire C. Pilcher, Executive Director

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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS
WEDNESDAY, NOVEMBER 28, 1984
5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:15 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann

Commissioner McCarthy was absent.

Also present were Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., for the Police Department; Mr. Robert Passmore, Zoning Administrator, and Ms. Mary Ann Miller represented the Department of City Planning; Lt. Charles Farrell for the Fire Department; Doris Levine, Official Hearing Reporter; and Claire C. Pilcher, Executive Director.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests that the Board take jurisdiction beyond the 10-day appeal period:

The requests of both Ms. Stella H. Berry and Ms. Mary Jo Walker were approved. The requests of Ms. Dorothy Kitt and Ms. Janet Murtaugh were denied. Mr. Barry A. Hirshbein's request was put over to December 12, 1984.

Requests for Rehearing: There being no motion, Appeal Nos. 84-281, V84-262 and 84-263 will not be reheard.

Appeals Nos. 84-244, 84-284, 84-275 and 84-287 were continued to December 12, 1984.
Appeal No. 84-286 was continued until further notice.
Appeal Nos. 84-289, 84-290 and 84-291 were continued to December 12, 1984, for the next five-member Board.

THE FIRST CASE WAS TAKEN OUT OF CALENDAR ORDER

APPEAL NO. 84-292

LYNN PIO, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 7, 1984, of permit to alter a building at 3000 Third Street.

The Department of Public Works was represented by Mr. Don Lim. The Department had denied the appellant the right to use barbed wire on the top of a fence surrounding an industrial storage area. Mr. Rudolf Nothenberg represented the appellant, the Public Utilities Commission. Lt. Charles Farrell represented the Fire Department. The Board voted 4-0 to overrule the Department and grant the permit.

APPEAL NO. 84-285

145 LAUREL STREET TENANTS COMMITTEE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL
FIRE PREVENTION BUREAU APPROVAL
DAHI APPROVAL

Protesting issuance on October 30, 1984, to Sol Friedman, permit to alter a building at 145 Laurel Street.

The appellant group was protesting interior alterations in the living area and in the garage. Mr. Robert Shepherd represented the appellant. The permit holder spoke in his own behalf. The Board voted 4-0 to concur with the Department and grant the permit subject to the following stipulations; (1) no construction will be undertaken until Apartment No. 17 is vacant; (2) the hours of construction are from 8:30 a.m. to 4:30 p.m., Monday thru Friday. The will be no construction on weekends or holidays; and (3) the noise level of the motor on the garage door and the noise level of the ventilating equipment must meet the requirements of the San Francisco Noise Abatement Ordinance. The Board asked that the Police Department inspect this equipment before the construction receives a Certificate of Final Completion.

APPEAL NO. 84-282

PATRICIA J. VAN STEENBERGE, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on October 25, 1984, to Stephen Wahler, permit to alter a building at 41 Winfield Street.

Mr. Don Lim represented the Department of Public Works. The appellant outlined her concern about the stability of the permit holder's foundation to support new construction. The Board voted 4-0 to uphold the Department and grant the permit with the following stipulations: (1) the foundation work must be completed before the top floor is occupied; and (2) on weekends and holidays the hours of construction are from 10 a.m. to 4 p.m.

APPEAL NO. 84-288

MAX SELVA, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on November 9, 1984, of permit to erect a structure at 3931/33 Twentieth Street.

Mr. Robert Passmore represented the Department of City Planning. He stated that the position of the Department was that this building was inappropriate for the neighborhood. The appellant was represented by Mr. Bruce Baumann. The Board voted 2-2 to overrule the Department. Four votes being required to overrule, the Department is upheld and the permit denied.

APPEAL NO. 84-271

FRED V. HERRERA, dba "THE STONE," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on October 19, 1984, of Cabaret - After Hours Dance Permit at 412 Broadway.

Testimony on this case was heard on October 31, 1984. The purpose of the continuance was for the Police Department to secure additional people to support their denial of the permit. Lawrence Wilson, Esq., represented the Police Department. He was supported by testimony of Mr. Jerral Swartzman, Jane Waddel and Wayne Yee, neigbors of the permit applicant. Mr. Robert Corona, operator of the Cabaret, responded to questions of the Board. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit with the following stipulations: (1) the premises may operate after 2 a.m. on Saturday and Sunday morning only, unless prior written permission has been obtained from the Captain of Central Station for special occasions; (2) no live music performance may extend past, or begin after, 2 a.m.; (3) patrons leaving the premises after 2 a.m. may not re-enter; i.e., no "in-and-out" after 2 a.m.; (4) the Stone will make every effort to ensure that patrons waiting to enter do so only in an orderly line which does not block the sidewalk, and that patrons in line do not violate any laws; (5) the permit will expire one year from the date of issuance; 6) all doors, windows, etc., are to be closed during hours of operation to ensure compliance with the Noise Abatement Ordinance and Sec. 221 (f) of the Planning Code; (7) eight uniformed security guards are to be on duty during the hours of operation after 2 a.m.; and (8) the panic alarm systems must be in hard wire on all doors not fronting on Broadway.

APPEAL NO. 84-280

VITTORIA GIVONE, dba "MAMMA VITTORIA GELATO," Appellant vs. POLICE DEPARTMENT, Respondent

Denial on October 1, 1984, of permit for Place of Entertainment at 1681 Church Street.

Mr. Robert Passmore represented the Department of City Planning. Lawrence Wilson, Esq., appeared for the Police Department. The Department had recommended denial of the permit in concurrence with the disapproval of the Planning Commission. Applicant's business is located in a C-1 Zone, in which places of entertainment are prohibited. The appellant spoke in her own behalf. Upon motion of Commissioner Engmann, the Board voted 4-0 to overrule the Department and grant the permit subject to the following stipulations; (1) that the permit be non-transferable; (2) there will be only unamplified guitar, mandolin, or other string instrument, or piano music; (3) the permit will be displayed in a prominent place; and (4) there will be no live music after 11 p.m.

APPEAL NO. 84-293

EDWARD SCHNAARS, Appellant vs. DEPT. PUBLIC WORKS, Respondent
FIRE PREVENTION BUREAU DISAPPROVAL

Denial on November 14, 1984, of permit to alter a building at 100 Spear Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that the Department had denied the appellant's request to reinstall an existing sliding door in a retail space. The Code does not allow a sliding door to be used as an exit. The appellant spoke in his own behalf. Upon motion of President Guggenhime, the Board voted 4-0 to overrule the Department and grant the permit subject to the following stipulations; (1) the door is to remain open during business hours; and (2) a sign must be posted stating that the door is to remain open during business hours.

APPEAL NO. 84-295

SARAH ESSER, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Denial on November 5, 1984, of permit to alter a building at 341 Eddy Street.

Chief Building Inspector Don Lim represented the Department of Public Works. He advised the Board that it was the intention of the applicant to allow a galvanized steel front gate to permanently encroach on a public sidewalk. This violates the Building Code. The appellant spoke in her own behalf. The Board voted 4-0 to overrule the Department and grant the permit subject to the following stipulation: (1) the appellant has six months to go through the proper procedure and secure a permit from the Board of Supervisors which would legalize the encroachment onto the public sidewalk.

APPEAL NO. 84-298

SAVE OUR RICHMOND ENVIRONMENT, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Protesting issuance on November 13, 1984, to McDonald Corporation, permit to demolish a building at 6101 Geary Boulevard.

Mr. Don Lim appeared for the Department of Public Works. Mr. Patrick Lynch and Ms. Cecilia Tsu spoke for the appellant. The appeal is based on the contention that the addition of a fast food restaurant would damage the quality of the neighborhood environment. William Coblenz, Esq., represented the permit holder. The Board voted 4-0 to uphold the Department and grant the permit, with the stipulation that the permit holder have the Fire Department inspect the premises for hazardous waste materials prior to demolition in accordance with Article 29 of the Fire Code.

APPEAL NO. 84-273

BEN RIGGS AND STEVEN SCHEINGARTEN, Appellants vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated October 16, 1984, for property located at 1346 Filbert Street.

Mr. Robert Passmore, Zoning Administrator, and Ms. Mary Ann Miller presented the Zoning Administrator's case. The order is based on the contention that the appellant is operating a business in a residential building. Mr. Michael Herz spoke in support of the Department. Mr. Mike Staley represented the appellant, who spoke in his own behalf. The Board voted 4-0 to uphold the Zoning Administrator and sustain the order.

APPEAL NO. 84-294

EMMELINE CHAK MAY CHU, dba "EM'S PLACE," Appellant vs. ZONING ADMINISTRATOR, Respondent

Order to Cease Violation of the Planning Code, dated November 5, 1984, for property located at 154 McAllister Street.

Mr. Robert Passmore, Zoning Administrator, spoke in his own behalf. The Zoning Administrator's order is based on the contention that the above business has an illegal sign. The appellant spoke in her own behalf. The Board voted 4-0 to uphold the Department with the stipulation that the sign be removed on February 1, 1987, or at the termination of the present business, whichever comes first.

APPEAL NO. V84-297

JOHN ZENON POSADAS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on November 6, 1984, of front set-back variance sought for property located at 33 Mars Street.

Mr. Robert Passmore, Zoning Administrator, stated that the appellant sought to retain an existing carport, constructed in the public right-of-way and in the required front set-back, without a permit. The appellant spoke in his own behalf. The Board voted 3-1 to uphold the Department and deny the variance.

APPEAL NO. V84-276

JAMES S. HUMPHREY, Appellant vs. ZONING ADMINISTRATOR, Respondent

Denial on October 22, 1984, of off-street parking variance sought for property located at 295 Divisadero Street.

Mr. Robert Passmore, Zoning Administrator, briefly stated his case. As the appellant did not appear, the Board voted 4-0 to uphold the Department and deny the variance.

There being no further business to come before the Board, President Guggenhime adjourned the meeting at 9:28 p.m.

SPECIAL MEETING OF THE BOARD

APPEAL NO. 84-285

SITE INSPECTION TUESDAY, November 27, 1984, at 5:30 p.m., at 145 Laurel Street, attended by President Guggenhime, Vice President Berg, Commissioners Jackson and Engmann.

Richard J. Guggenhime cp

Richard J. Guggenhime, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
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MINUTES

MEETING OF THE BOARD OF PERMIT APPEALS

WEDNESDAY, DECEMBER 12, 1984

5:00 P.M., ROOM 282, CITY HALL

The regular meeting of the Board of Permit Appeals was called to order by President Guggenhime at 5:00 p.m.

Present were: President Richard J. Guggenhime
Vice President Jerry E. Berg
Commissioner Mattie J. Jackson
Commissioner Douglas J. Engmann
Commissioner Robert J. McCarthy

Also present was Chief Building Inspector Don Lim for the Department of Public Works; Lawrence Wilson, Esq., Inspector Joseph Pieraldi, Officers Daniel O'Shea and Thomas M. O'Connor for the Police Department; Mr. Robert Passmore, Zoning Administrator, for the Department of City Planning; and Doris Levine, Official Hearing Reporter. Executive Director Claire C. Pilcher was absent due to illness.

MATTERS FOR CONSIDERATION, REQUESTS FOR REHEARING, AND OTHER CORRESPONDENCE

Requests that the Board take jurisdiction beyond the 10-day appeal period:

The request of Barry A. Hirshbein, Esq., was denied.

Requests for Rehearing: There being no motion, Appeal Nos. 84-298 and V84-297 will not be reheard.

Appeal No. V84-276 was approved for rehearing on January 2, 1985.

Appeals No. 84-291, 84-290, 84-289, 84-286, 84-299, and V84-300 were continued for further hearing.

Appeal No. 84-306 was withdrawn.

Findings of Fact were adopted for Appeals No. 84-234 through 84-241, 84-263, and 84-209.

THE FOLLOWING CASE WAS TAKEN OUT OF REGULAR CALENDAR ORDER:

APPEAL NO. 84-303

SAVE OUR RICHMOND ENVIRONMENT, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 20, 1984, to McDonald Corporation, permit to erect a structure at 505 Twenty-fifth Avenue.

President Guggenhime advised both parties in this case that it was the intention of the Board to overrule the Department and deny the permit. This decision was based on an opinion from the City Attorney which stated that interim zoning controls imposed by the Board of Supervisors required the Board of Permit Appeals to overrule the Department and deny the permit. The McDonald Corporation was represented by William K. Coblentz, Esq. Mr. Patrick Lynch represented the appellant. By a vote of 5-0, the Department was overruled and the permit denied.

APPEAL NO. 84-287

JOHN MURPHY, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on November 9, 1984, for work done at 1546 Market Street.

Mr. Don Lim spoke for the Department. He advised the Board that the appellant had done interior work without permit. The appellant spoke in his own behalf. The Board voted 5-0 to overrule the Department and reduce the penalty to $45.90, plus the regular fee of $45.90, for a total of $91.80 due to the Department.

APPEAL NO. 84-305

RICHARD H. SCHIMMEL, Appellant vs. DEPT. PUBLIC WORKS, Respondent

Imposition of penalty on December 4, 1984, for work done at 71 Sanchez Street.

Mr. Don Lim represented the Department. Work done without a permit consisted of replacing an entire stairway and landings. The appellant spoke in his own behalf. The Board voted 5-0 to overrule the Department with the stipulation that the penalty be reduced to $132.60, plus the regular fee of $132.60, for a total of $265.20 due to the Department.

APPEAL NO. 84-307

MICHAEL BROSNAN, Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING DISAPPROVAL

Denial on December 5, 1984, of permit to demolish a building at 1228 Forty-sixth Avenue.

Mr. Robert Passmore, Zoning Administrator, advised the Board that apparently a garage had existed on this property at one time, but it had been demolished. The appellant was represented by Mr. Bruce Baumann. The Board voted 4-1 to overrule the Department with the following stipulation: The appellant will apply for and be granted an off-street parking variance for this particular piece of property by March 20, 1985. If this variance is not granted within the specified time frame, the Board's decision is null and void and the Department is upheld.

APPEAL NO. 84-299

CHARLES A. THIELEN, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 14, 1984, to Richard Jang, permit to alter a building at 2522 Thirty-eighth Avenue.

Mr. Robert Passmore, Zoning Administrator, represented the Department of City Planning. The appellant advised the Board that the neighbors felt that the proposed alterations would aid the permit holder's operation of his business in an area restricted to single family dwellings. Mr. Peter Luke spoke in behalf of the permit holder. The Board scheduled a site inspection on December 18, 1984, at 5:00 p.m. The appeal is scheduled for continued hearing January 2, 1985.

APPEAL NO. 84-304

CHUCK S. JUNG, et al., Appellant vs. DEPT. PUBLIC WORKS, Respondent
CITY PLANNING APPROVAL

Protesting issuance on November 20, 1984, to Mr. and Mrs. Yee, permit to alter a building at 2028 Taylor Street.

The appellant did not appear at the hearing. The permit holder was present. The Board voted 5-0 to concur with the Department and grant the permit.

APPEAL NO. 84-301

JITNEY OWNERS ASSOCIATION, INC., Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on November 18, 1984, to Antonio David, permit to operate a jitney bus on the Mission Street Jitney Bus Route.

Lawrence Wilson, Esq., and Officer Suslow represented the Police Department. Mr. Wilson advised the Board that the appellant was the next Mission Street Jitney Bus public convenience applicant. The appellant was represented by Joel E. Marsh, Esq., who was supported by the testimony of several Jitney bus operators. Philip E. Pearson, Esq., represented the permit holder, who was also present. The Board voted 3-2 to uphold the Department. Four votes being needed to overrule, the Department was upheld.

APPEAL NO. 84-244

HARRY GUTHERTZ, Appellant vs. POLICE DEPARTMENT, Respondent

Denial on September 14, 1984, of Peddler's Permit (amendment) for the Northwest corner of Hyde and Beach Streets.

President Guggenhime, noting that much testimony had been taken in previous hearings, advised that it was the Board's 5-0 decision to overrule the Department with the following stipulation: The appellant's permit is amended to allow him to liquidate his sunglass inventory within a 90-day period starting June 1, 1985, and ending August 30, 1985.

APPEAL NO. 84-275

TY THI CROFF, Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 19, 1984, of masseuse permit for "Kim's Spa" at 441 Stockton Street.

The Court Reporter swore in those who were to testify in the following cases. Lawrence Wilson, Esq., Officers Daniel D. O'Shea and Thomas M. O'Connor represented the Police Department. The basis of the revocation was recurrent prostitution activities. Peter Goodman, Esq. represented the appellant, who was present. The Board voted 5-0 to uphold the Department and sustain the revocation of the permit.

APPEAL NO. 84-284

THANH PHUONG THI PHAM, dba "KIMS'S SPA," Appellant vs. POLICE DEPARTMENT, Respondent

Revocation on October 24, 1984, of permit for massage establishment at 441 Stockton Street.

Lawrence Wilson, Esq., represented the Police Department. The basis for the revocation of the permit was prostitution activities. The appellant, who was present, was represented by attorney Theresa Palladino-King. The Board voted 4-1 to uphold the Department and sustain the permit revocation.

APPEAL NO. 84-302

S. JERRAL SCHWARTZMAN, et al., Appellant vs. POLICE DEPARTMENT, Respondent

Protesting issuance on November 26, 1984, to Robert T. Vincent, of Dance Hall Keeper and Place of Entertainment permits at 435 Broadway.

Lawrence Wilson, Esq., represented the Police Department. The appellant spoke in his own behalf. He was supported by the testimony of Mr. C. Richard Winn of the Telegraph Hill Dwellers Association, and other neighbors. The basis of the protest was that the granting of the permit would exacerbate an already existing nuisance. Mr. Keith Rockwell and Kenneth Larson, Esq., spoke for the appellant. The Board voted 5-0 to uphold the Department and grant the permit with the following stipulation: no activity is to take place under these permits until such time as the provisions of the Noise Abatement Ordinance have been fully compled with.

APPEAL NO. V84-300

JACK L. PHILLIPS, Appellant vs. ZONING ADMINISTRATOR, Respondent

Protesting issuance on November 16, 1984, of off-street parking variance sought (conditions imposed only) for property located at 865-69 Clayton Street.

Mr. Robert Passmore, Zoning Administrator, spoke in his own behalf. He advised the Board that the application is for a variance to convert part of the basement area into an off-street garage space. The design is such that the area could be utilized as an illegal living unit. The appellant, Mr. Jack L. Phillips, spoke in his own behalf. The Board scheduled a site inspection for Tuesday, December 18, 1984, at 5:30 p.m. and scheduled the case for further hearing on January 2, 1985.

There being no further business to come before the Board, President Guggenhime adjourned the hearing at 9:30 p.m.

1/2/85

Richard J. Guggenhime, President

Claire C. Pilcher

Claire C. Pilcher, Executive Director

BOARD OF PERMIT APPEALS
CITY HALL
SAN FRANCISCO, CA 94102

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